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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 25, 2007.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of the heavens and the Earth, the skies over California are red and black. We beg You to drown the fires that beset thousands with Your compassionate love.

You, O Lord, with gentle winds of mercy and the mighty force of nature, combined with the bravery and ingenuity of firefighters from across this Nation, can put an end to this hellfire.

Then, may this crucible of the Golden State become the ultimate sign of commitment by this Nation. Lead us through global warming to become a leader in the world community clearing the heavens and providing hopeful vision for all Your people to praise You for Your creative glory both now and forever. Amen.

THE JOURNAL

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

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

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

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

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

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

The yeas and nays were ordered.

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

PLEDGE OF ALLEGIANCE

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

Mr. FLAKE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

RECOGNIZING THE SKILL, DEDICATION AND SACRIFICE OF OUR NATION'S FIRST RESPONDERS

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to recognize the skill, the dedication and the sacrifice of our Nation's first responders. In particular, I would like to honor and thank all of the first responders who are on the front line perilously right now fighting the fires in Southern California.

We rely on our first responders to help us survive the most difficult and the most challenging experiences that we face. I am proud that when we passed H.R. 1 this year, Congress took critical steps to provide Federal support for our Nation's first responders. These steps included increasing the amounts of funding available to States and localities for hazardous preparedness funding, what we are facing in California right now, and establishing a stand-alone communications interoperability grant program so that our first responders could speak to each other as they were on the front line in these emergencies.

The Federal Government must continue to provide States and localities with all the resources that they need to effectively respond to these emergencies. Please keep all of our first responders and the residents who have been affected by the Southern California fires in your thoughts and prayers.

PUTTING SUPERBUGS ON THE DEFENSIVE

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

Mr. TIM MURPHY of Pennsylvania. This Tuesday, a Wall Street Journal article written by Theo Francis started off by saying, ''Hospitals are prime breeding grounds for antibiotic-resistant 'superbugs' that kill tens of thousands of Americans each year. But most people have had no way of knowing how well their hospital keeps these bacteria—and infections in general—under control.''

Nineteen States have some version of requiring reporting of infection rates in hospitals, but there is no overall plan for this, and thus there is a great

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deal of confusion. That is why I introduced H.R. 1174, the Healthy Hospitals Act, to help our Nation's citizens understand the infection rates in hospitals and get these under control.

Here are today's sad statistics. So far this year 1.6 million people have developed an infection in a hospital. There have been 73,000 deaths and a cost of over $40 billion. It is time we get these under control, and I ask my colleagues to help support by signing on as cosponsors of H.R. 1174. Let's stop these deadly diseases that are killing so many in our hospitals.

SCHIP

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it gives me great privilege to be able to rise on the floor of the House today to challenge all of our colleagues to stand for our children. We are going to do it again, and that is to put on the floor of the House the Children's Health Insurance Program, $35 billion for 10 million children.

Forty days in Iraq will equal insuring 10 million children in giving them and providing uninsured low-income children with health care, insuring the lowest income children, pregnant women will be covered. Parents will not be covered. Mental health will be covered. Preventative care, saving the lives of our children, giving them the opportunity for a vigorous and prosperous future. Protecting our soldiers on the front lines when they can't pay for their children's health insurance. This has to be the road we take, the journey to help our children. Let us do it in a bipartisan manner, joining with two Houses, putting it on the desk of the President of the United States. What will this Nation do for her most precious resource? I hope we will pass the SCHIP bill together, united for all of our children.

SCHIP

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

Mrs. BLACKBURN. Mr. Speaker, it seems like we have a fact and fiction problem that is taking place right here in the body of the House. It is about SCHIP 2.0 that is coming before us today. Well, here are the facts. SCHIP 2.0 will not prevent illegal immigrants from receiving children's health care benefits. It will not prevent adults from receiving children's health care funding, and it will not prevent the government from crowding out 2 million people from the private health care market.

The bill actually covers 400,000 fewer children than SCHIP 1, and it spends 500 million, yes, a half billion dollars more and still leaves out 800,000 eligible children. Yet under SCHIP 2, adults will constitute 10 percent of all SCHIP enrollees in fiscal year 2012 when the program has a major funding problem. Under SCHIP 2.0, 2 million people would lose their health care coverage, according to the Congressional Budget Office.

Let's get straight on the facts. Let's vote against SCHIP 2.0 and make certain we put the children of the working poor first.

THE CITY OF SCHERTZ, TEXAS

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

Mr. CUELLAR. Mr. Speaker, I rise today to honor the City of Schertz for being named one of the top 100 best places to live by Money Magazine. The city of Schertz was founded in 1843. It is the largest city in Guadalupe County, which encompasses part of my 28th Congressional District. Schertz is located between the areas of San Antonio and Austin but has retained its small town community feel, which was noted by Money Magazine.

Schertz is the home to over 34,000 Texans. Part of the growth we have seen in this city is attributed to the city's vibrant economy, its schools, and the quality of life enjoyed by the residents and its leadership. It is clear why Schertz was named 40th in the top 100 best places to live by Money Magazine, and the State of Texas is ranked number 1 as the place to live.

Mr. Speaker, I am honored to recognize the city of Schertz for being named one of the top 100 best places to live by Money Magazine.

MOTION TO ADJOURN

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

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

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

Mrs. BLACKBURN. Mr. 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 158, nays 220, not voting 54, as follows:

[Roll No. 1001]

YEAS—158

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NAYS—220

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Fattah
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar

Sánchez, Linda T.	Smith (WA)	Udall (NM)
Sarbanes	Snyder	Van Hollen
Schakowsky	Solis	Velázquez
Schiff	Space	Visclosky
Schwartz	Spratt	Walz (MN)
Scott (GA)	Stupak	Wasserman Schultz
Scott (VA)	Sutton	Waters
Serrano	Tanner	Watson
Sestak	Tauscher	Watt
Sherman	Taylor	Weiner
Shuler	Thompson (CA)	Whitfield
Sires	Thompson (MS)	Woolsey
Skelton	Towns	Wu
Slaughter	Tsongas	Wynn
	Udall (CO)	

NOT VOTING—54

Abercrombie	Franks (AZ)	Renzi
Bilbray	Gallegly	Sali
Boren	Hayes	Sanchez, Loretta
Boucher	Hinchey	Shays
Buyer	Hunter	Shea-Porter
Calvert	Issa	Souder
Carson	Jefferson	Stark
Cubin	Jindal	Tancredo
Culberson	Johnson, E. B.	Tierney
Cummings	Lewis (CA)	Turner
Davis (CA)	Manzullo	Waxman
Davis, Tom	Marchant	Welch (VT)
Doyle	McCollum (MN)	Westmoreland
Dreier	McCrery	Wexler
Engel	Moran (VA)	Wilson (OH)
Farr	Musgrave	Yarmuth
Filner	Obey	Young (AK)
Fossella	Peterson (PA)	Young (FL)

□ 1039

Ms. TSONGAS, Ms. ZOE LOFGREN of California, Mrs. McCARTHY of New York, Mr. CAPUANO, Mrs. CAPPS, Mr. ROTHMAN, and Mrs. MALONEY of New York changed their vote from ''yea'' to ''nay.''

Messrs. NEUGEBAUER, INGLIS of South Carolina, McHUGH, ROHRABACHER, HALL of Texas, and PICKERING changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER, Mr. Speaker, on rollcall No. 1001, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "nay."

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, it is Thursday and it is a getaway day. I know everybody is concerned, because you talk to me from both sides of the aisle all the time about it, so I am well aware that people want to get out.

I will be asking, and that is why I want to say this now, I will be asking the presiding officers to keep our votes to no more than 2 minutes after the votes are to close, whether it is a 15-minute vote or a 5-minute vote. I think that will facilitate, hopefully, getting our work done.

The reason I say it now, I want everybody to be on notice that we intend to do that so we don't catch you. What the pattern has been increasingly is that when we get to ''zero,'' there are almost invariably 175 Members who have not voted. I do it and I am sure everybody else does it. You look at the screen and you see 170 Members haven't voted, and you have plenty of time. I understand that. I understand it because that is what I do.

The only way for us to overcome that is that 2 minutes after the vote, 17 minutes, we will close the vote. That will mean some of you may miss the votes and you will be angry with me. I want you to know ahead of time that I understand you will be angry with me, but at least I am telling you that is what our intention is to do.

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

Mr. HOYER. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Leader, as you are aware, many Members of the California delegation are in California today as a result of the wildfires.

Mr. HOYER. Yes, I am aware of that.

Mr. SESSIONS. It was very important for them to go back home and be with their constituents. Over 1 million people have been left homeless and have been evacuated. There was a request made of the Speaker and of the majority leader to please postpone votes and not to have the vote today. Those requests have been made directly to the leadership, and I would like it if you could please address that issue at this time.

Mr. HOYER. Scheduling the House, as my good friend, ROY BLUNT, and I have discussed, is very difficult. It is very difficult because we have 435 Members. Obviously, all of us have responsibilities. We have families and we have issues that happen within our districts that require us from time to time to be in our districts.

All of the California Members who talked to me, and some on the Republican side talked to me and some on the Democratic side talked to me, I urged them to be in California. That's where I would be. If I had a wildfire, a flood or a tornado in my district, I would be in my district.

Today's vote on SCHIP, which is the only vote we will have when we get to it, is not in my opinion in doubt and would not be affected by the absences we may have.

On this vote there were 55 people not voting. Obviously, there are not 55 people in California. We have a number of the Californians here. There are representations on your side of the aisle that there are five or six Californians who might be there, and there are some on our side from Southern California who will also be there. Now, on the average day, we have 10 Members who are not here, give or take. Some for illness reasons and others for good reasons where they have determined they need to be someplace else. It is obvious we cannot cancel votes on those days.

I will tell my friend that everybody knows we are not here tomorrow, and we are going to be hopefully through relatively early today. I don't know that there is something happening today that won't be true tomorrow. I do know that there is concern about proceeding on the SCHIP bill. I have made it clear, in August I made it clear that we have an agenda to accomplish. If we were meeting Friday, that might be a different story, but we are not meeting Friday. So tomorrow is available, Saturday is available, Sunday, Monday is available. I believe that Members ought to be with their constituents.

□ 1045

I don't believe they're going out there to fight the fire. They're going out to be with their constituents. That is appropriate. My point I think is clear. My point is clear.

The objectives of the Members who are not here are understandable and appropriate, but what is not appropriate is for me to be put in the position or anybody who schedules on either side of the aisle to be put in the position of having our legislative process stopped when we essentially have only a few hours left to go and important legislation to consider.

Mr. SESSIONS. I thank the gentleman. I would like to resubmit a request to the gentleman now. I believe that this body is aware that last night we received a 293-page document that has not one cosponsor, is described as being the Senate's bill, not the House bill. We have not had an opportunity to go through the bill. The 24-hour rule evidently last night in Rules Committee was just completely obliterated.

You have a request, a collegial request, from the Republicans who are in this body who recognize and understand the importance of SCHIP. We also recognize we have until November 16 before that deadline approaches. Both you and I and every Member of this body understands that this body would never allow SCHIP to collapse.

I am respectfully asking on behalf of the minority and the collegiality of this body for you to please reconsider allowing us to end our business today and to come back and retake up this business on Tuesday, with not only a renewed spirit from the people who have gone to support the firefighters. You're right, they're not fighting the fire, but they do have a strong belief that what they have done is the right thing; and they would wish to participate fully in their constitutional duties. And I will re-ask the majority leader at this time from a collegial aspect.

Mrs. WILSON of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. I thank the majority leader.

I would also ask, we have had 55 Members who weren't here for the vote that we just had. This issue we're about to debate and vote on is one that's important to people on both sides of the aisle. This is an important vote and important debate, and I think people should have an opportunity to participate in that.

All of us have had circumstances where there are disasters in our district and there are times when the leadership determines that the votes that are scheduled are of such sufficient gravity and importance that it makes sense to delay that.

As the gentleman from Maryland knows, I supported the SCHIP bill. I think we need to reauthorize the SCHIP program, but I am reluctant to do that with so many Members gone and also with our Californians dealing with critical problems in their district.

I would echo my colleague from Texas' sentiments and ask that the leadership consider delaying this vote and this debate until early next week.

Mr. HOYER. I yield to the gentleman from Mississippi.

Mr. TAYLOR. I thank the gentleman for yielding.

I guess of all the Members, I have been the closest to this situation with what happened in the aftermath of Hurricane Katrina. As you know, Katrina struck during the August recess, and shortly after the recess one of the first votes that was scheduled was the GO Zone legislation which was a very substantial piece of legislation on the part of our Nation to help the affected area.

Given the severity of what happened in Mississippi, I made a conscious decision to stay in my district. I felt like that was the best thing to do. This body overwhelmingly passed the GO Zone legislation without me.

To the gentleman's point, I have not had one complaint about staying in Mississippi, and I think your colleagues that you are concerned about will not get one complaint about missing a vote on something that is going to pass anyway. I did not ask to shut down the Congress because I needed to be in Mississippi; and, quite frankly, I don't think our California colleagues are really asking to shut down the Congress because they needed to be there. Their constituents will understand, just as my constituents understood.

Mr. HOYER. I yield to the gentleman from Texas.

Mr. SESSIONS. I thank the distinguished majority leader.

In no way am I asking or are we seeking to shut down Congress. What we're attempting to do is to ask if the majority leader, from a collegial standpoint of understanding, that just as I came back to Texas to work to make sure that some 50,000 people from Katrina and that effort were taken care of in Dallas, Texas, where I literally helped spearhead our efforts, today there are approximately twice as many people who are displaced in California as there were by Katrina. And I believe it's honorable and respectful to ask that on behalf of my colleagues that we not take up this important legislation today, that we allow ourselves respectfully to adjourn and then come back on Tuesday, as we normally might, to handle this piece of legislation.

And I will respectfully ask that on behalf of the minority at this time to the gentleman.

Mr. HOYER. I want everybody to know that we're coming back on Monday. I don't want anybody to be confused that we're coming back on Monday at 6:30; and we will not be here, I will be announcing later today, the next Friday, a week from tomorrow.

Let me say to my friend that, as I said, I discussed with your leadership the difficulty of scheduling, not this particular item, although this was discussed, and the request was made.

Every Member of this body knows that 435 people, as I said, everybody has very important things they have to do from time to time and that are appropriate to do on behalf of their constituents on behalf of fulfilling their duties. We missed unavoidably 2 legislative days as a result of the tragic deaths of two of our Members, which was inevitable, and we obviously appropriately canceled sessions on those days.

This bill that we are considering is a very important bill. It needs to pass the House. It needs to pass the Senate. It needs to go to the President, and it needs to come back here. We have 3 weeks left to go between now and the 16th of November, to which the gentleman referred.

The gentleman is well aware, I know my Republican colleagues in leadership are well aware, of how long it takes to get things through the Senate, for reasons that we all understand in terms of their necessity to get the appropriate votes.

As a result, the time left to us is very short, and to not proceed today and to push this off till next week then pushes off to the week following when the Senate can consider this legislation, which then pushes it off to the last week that we'll be here for Presidential action. All of that is a constraint on the flexibility of scheduling.

And again I will say that I understand absolutely the desire of the Californians to be where they are. I think it's appropriate to be where they are. My only point is that we're not meeting all week. There is some flexibility. They chose to go today. I do not criticize that decision on either side of the aisle. I simply say that it was not in consideration of, obviously, the business that we have to get done.

And again I reiterate, in a collegial body, if I thought that the absence of your Members or our Members would make a difference on the outcome, but this bill had an overwhelming vote when it initially passed, an overwhelming vote, not the two-thirds, but an overwhelming vote. So I do not believe the absences of either party's Members will impact on the outcome of this vote. So I don't think we're prejudicing the outcome of the vote in any way.

I yield to the gentleman from Washington State.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Talking about procedure today, I think probably the easiest way to resolve this is we're going to be debating the rule, and of course, if the rule goes down, then that would end the business of the day, and that would be the preferred option from this Member's point of view.

In the event that doesn't happen, and we in fact then debate the SCHIP bill that we saw last night in Rules for the first time, I think it was filed at 7:17, but my point is that we could debate that, and we have 50 Members that are missing. There is a potential for you to roll the vote, not have the vote today but, in fact, roll the vote until next week. That way the debate will have been done. As my friend from Texas said, the issue does not expire until November 16.

So that is an option, it seems to me, to ensure that everybody would have an option to at least vote on this issue.

Mr. HOYER. Reclaiming my time, there are 13 Californians as I understand it who are not here, and that's a significant number, so I do not diminish the number; but I don't want anybody to belabor the 55 to which I referred who did not vote. I don't know where the other 35 Members were or are. I know there's a very important hearing going on, I haven't looked at the list expansively, a very important hearing going on that people don't want to have go on. I understand that.

But if we delay the vote, then we might as well delay the bill because we will not get it moving towards the Senate and allow the Senate to act in a timely fashion. That's the problem.

Mr. HASTINGS of Washington. Obviously that's an option. We are going to have debate on this, and this should be an option that I hope that the majority leader looks at.

Mr. HOYER. I appreciate that, and we will take it under consideration. I know the spirit in which it's meant. I talked to the gentleman about trying to facilitate scheduling, and I think the gentleman is going to be pleased with what we're going to try to do next year to facilitate Members' ability to get back to their districts.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 222, not voting 40, as follows:

[Roll No. 1002]

AYES—170

Akin	Bachmann	Baird
Alexander	Bachus	Baker

Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Frelinghuysen
Gerlach
Gingrey
Gohmert
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jordan
Kanjorski
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
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
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—222

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Eshoo
Etheridge
Farr
Fattah
Fossella
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
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
Watt
Weiner
Welch (VT)
Weller
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—40

Aderholt
Bilbray
Boren
Braley (IA)
Burgess
Buyer
Calvert
Carson
Cubin
Davis (CA)
Davis (IL)
Dreier
Engel
Filner
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Hoyer
Hunter
Issa
Jindal
Johnson (GA)
Johnson, E. B.
Keller
Larson (CT)
Lewis (CA)
McIntyre
Moran (VA)
Neugebauer
Shea-Porter
Sires
Spratt
Thornberry
Watson
Waxman
Westmoreland
Wilson (OH)
Young (AK)

□ 1119

Mr. PATRICK J. MURPHY of Pennsylvania, Ms. WOOLSEY and Mr. RUPPERSBERGER changed their vote from ''aye'' to ''no.''

Mr. GRAVES changed his vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 1002, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 774 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 774

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, 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 bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

SEC. 2. During consideration of H.R. 3963 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.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I raise a point of order against consideration of the rule because the rule contains a waiver of all points of order against the bill and its consideration and, therefore, is in violation of section 426 of the Congressional Budget Act.

The SPEAKER pro tempore. The gentleman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentleman from Texas and the gentlewoman from New York each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after the debate the Chair will put the question of consideration, to wit: ''Will the House now consider the resolution?''

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, we make a point of order with great respect to this body. We're here to do business today. We've asked this body to please consider an adjournment because we have a lot of Members who are in California. We were denied that request.

We also believe this point of order should be heard because it's important that last night a 293-page bill was brought forth to the Rules Committee, which we received only 25 to 30 minutes before that meeting took place, I believe, in violation of the regular order for legislation that Speaker PELOSI has outlined for all Members of Congress, as well as the American people, a Congress working for all Americans.

And under regular order for legislation, it states: ''Members should have at least 24 hours to examine bill and conference report text prior to floor consideration.'' Mr. Speaker, that has not happened again today. Again today we find that the legislation not following regular order is presented to this House.

Last night, as we began the discussion in the Rules Committee, we found out this is not even a House bill. No

one took responsibility for the bill that was coming to the Rules Committee last night. Every person there said this is a Senate bill; this isn't a House bill.

And then we tried to discuss what was in that bill. I don't know what's in that bill. Sure, we've had some time today, but we have not digested all 293 pages. And, Mr. Speaker, we believe that what is happening here today is not only in violation of what we have seen, a Congress working for all Americans, but also the establishment of the way this House would run itself under regular order and for the best interest of all Members of Congress.

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

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentleman for yielding, and I rise in support of his point of order.

I see that the distinguished Speaker of the House is on the floor, was on the floor; and although I don't have the quote in front of me, I know, as she took the gavel to become Speaker of the House, that she said that this would be something along the lines of the fairest and most democratically run House in the history of our country. I'm trying to see where the fairness, I'm trying to see where the democracy comes in, where most of us, most of us didn't even know of the existence of this almost-300-page bill until we arrived this morning. And so I'm having a little trouble seeing exactly where we're having fairness and democracy.

Specifically, Mr. Speaker, I think Speaker PELOSI said bills should generally come to the floor under procedure that allows open, full, and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.

Members should have at least 24 hours to examine the bill. That is certainly not true for this Member. I don't think it's true for the vast majority of Members here.

So the Speaker may say one thing, and I respect her words, but the actions are speaking far more loudly than the words are.

And I would think, with the great human tragedy that is taking place in California unfolding upon the television screens of almost everyone in America, I would think that if any Speaker would be sensitive to that human tragedy it would be this Speaker since she hails from the State of California.

Yet we have countless Members who need to return home to be about the business of their constituents, and they're not here. They're not present for a very, very important vote and a vote that could have obviously taken place months ago, a vote that could have taken place weeks ago, and a vote that can take place early next week when these people will return.

And yet, I fear, I'm not questioning the motives or the heart of any one Member, but the actions are such that people could be led to believe that this is simply a move to manipulate the outcome of a vote. And I'm not sure that's the appearance that we want to give the American people.

And, again, Republicans, Members on this side of the aisle, have stood ready for weeks and for months to reauthorize an SCHIP program. The vast majority will vote to support funding for every eligible child. But a program that was designed and passed by a Republican House to ensure health insurance benefits for uninsured low-income American children, that's been hijacked.

And again, yet again, the Democrat Congress will try to transform that program into something else; instead to give additional benefits to adults while we still have children that are not served, to give benefits to illegal immigrants while we still have Americans unserved, to give benefits to the uninsured while we have those who are insured and, finally, to give benefits to higher-income Americans before we serve lower-income Americans. That is not right. This is not fair. This is not democratic. It's not what the Speaker committed to. And this point of order should be sustained.

Ms. SLAUGHTER. Mr. Speaker, I continue to reserve.

Mr. SESSIONS. Mr. Speaker, last Congress the distinguished chairwoman of the Committee on Rules thought it was so important to require at least 24 hours before voting on any rule that she authored a rules change, H. Res. 686, cosponsored by the gentleman from Florida (Mr. HASTINGS), the gentleman from Massachusetts (Mr. MCGOVERN), and the gentlewoman from California (Ms. MATSUI), senior members of the Rules Committee. The proposed change would have prohibited calling up a report by the Committee on Rules within 24 hours of presentation to the House.

Mr. Speaker, I would refer my colleagues to H. Res. 686 of the 109th Congress.

Mr. Speaker, I wasn't really surprised when the new Democrat majority didn't actually follow through on their commitments on the opening-day package. However, I just wonder what happened to the dedication of Democratic Members who once showed the rights of preserving those things which they think are good for Members to have time to know what the heck they're voting on.

□ 1130

And I believe today a 293-page bill with zero cosponsors, and even the gentleman who brought the bill to the Rules Committee last night said ''not my bill, it's the Senate's bill,'' I believe we should be careful what we are doing and allow 24 hours and follow the rules of the House.

Mr. Speaker, at this time I would like to yield the balance of my time to the gentleman from California (Mr. DANIEL E. LUNGREN).

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from California is recognized for 2½ minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of this point of order that goes essentially to the question of unfunded mandates contained in this bill. It is very difficult to determine exactly what this bill is since it is nearly 300 pages and we received it last night.

Why is the question of unfunded mandates so important? Well, a great example would be exactly what is happening in my home State of California right now; the tremendous, tremendous pressure that my home State is under at the current time as a result of an unprecedented series of fires raging at the same time.

And that brings into question of those Members of Congress from my home State who are traveling today back home with the President of the United States in order to assess the damage, to show that the Federal Government is fully involved in concert with State and local governments. And we would ask that the consideration of this rule and this bill be postponed not only on this point of order but because of the circumstances that are occurring in our State at this time.

The majority leader said a little bit earlier that, well, things happen all the time and Members miss the opportunity to be here on the floor because they are back home, as if this is an everyday occurrence.

My home State has lost almost 1,500 residences, 1,500 destroyed. We have somewhere between half a million and a million people evacuated. That is not an everyday occurrence. That is an exceptional circumstance. And it just is beyond the sense of the cordial nature of the collegiality of this House that ought to prevail for us to be considering this.

Nearly 9,000 firefighters from all agencies on the fire lines of California over the last number of days. At least one confirmed death, 18 fires in seven counties, almost a half a million acres destroyed, 104 commercial structures destroyed.

The fact is that we ought to come together and work together on issues as important as responding to the natural disaster that is occurring in California just as we should be coming together, working together to try to solve the problem of the unmet needs of poor children and their health in this country.

Mr. Speaker, we have not been invited to the table to be able to present this. This point of order ought to be sustained technically on the question of unfunded mandates but really, philosophically on the fact that this is not the time for consideration of this particular rule or this bill.

Ms. SLAUGHTER. Mr. Speaker, I feel compelled to point out this is not

about a point of order or unfunded mandates, but it is because this administration and many of the people in this House do not want to give health care to 10 million children.

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

The SPEAKER pro tempore. All time for debate has expired. The question is: Shall the House now consider the resolution?

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

Ms. SLAUGHTER. Mr. 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 216, nays 181, not voting 35, as follows:

[Roll No. 1003]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
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
Kingston
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
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 (GA)
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—181

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
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
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
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)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Salazar
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
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—35

Bilbray
Boren
Boucher
Buyer
Calvert
Cannon
Carson
Clay
Cubin
Davis (CA)
Dreier
Emanuel
Engel
Filner
Franks (AZ)
Gallegly
Gonzalez
Hinchey
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Lucas
McHenry
Mollohan
Ryan (WI)
Shea-Porter
Tierney
Visclosky
Watson
Waxman
Westmoreland
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1154

Messrs. LEWIS of Kentucky, KING of Iowa, TIBERI and DAVIS of Kentucky changed their vote from ''yea'' to ''nay.''

Messrs. BLUMENAUER, CLEAVER, DAVIS of Alabama and PRICE of Georgia changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1003, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "yea."

Mr. SESSIONS. Mr. Speaker, I'm sorry, I did not hear you, but I object to the ruling on laying on the table the motion to recommit. I did not hear your words in that regard; and I object, Mr. Speaker.

The SPEAKER pro tempore. The motion has yet to be addressed.

Mr. PRICE of Georgia. Mr. Speaker, has the Speaker determined the vote on the previous motion?

The SPEAKER pro tempore. Is the gentleman asking to reconsider the vote by which the question of consideration was decided in the affirmative?

Mr. PRICE of Georgia. I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on tabling the motion offered by the gentleman from Georgia.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 183, not voting 31, as follows:

[Roll No. 1004]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
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)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack

Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
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
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
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
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
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
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
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 (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—31

Bilbray
Boren
Boucher
Braley (IA)
Brown, Corrine
Buyer
Calvert
Carson
Conyers
Cubin
Davis (CA)
Davis (IL)
Dreier
Filner
Gallegly
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Larson (CT)
Lewis (CA)
Maloney (NY)
Shea-Porter
Tancredo
Watson
Waxman
Welch (VT)
Wilson (OH)
Yarmuth
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1214

Mr. REYNOLDS and Mr. BOEHNER changed their vote from ''aye'' to ''no.''

Mr. ELLISON and Mr. PATRICK J. MURPHY of Pennsylvania changed their vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1004, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "aye."

MOTION TO ADJOURN

Mr. CAMPBELL of California. Mr. Speaker, I move that the House do now adjourn.

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

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

RECORDED VOTE

Mr. CAMPBELL of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 224, not voting 43, as follows:

[Roll No. 1005]

AYES—165

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

NOES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
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 (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
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
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Woolsey
Wu
Wynn

NOT VOTING—43

Baird
Bilbray
Blunt
Boren
Buyer
Calvert
Carson
Cubin
Davis (CA)
Davis (KY)
Dreier
Emanuel
Filner
Flake
Gallegly
Gohmert
Granger
Hastert
Hayes
Hunter
Issa
Jindal
Johnson, E. B.
Johnson, Sam
Lewis (CA)
Maloney (NY)
Marshall
McCollum (MN)
Meek (FL)
Moran (VA)
Napolitano
Rangel
Renzi
Reyes
Sarbanes
Shays
Shea-Porter
Tancredo
Waxman
Weldon (FL)
Wilson (OH)
Yarmuth
Young (AK)

□ 1232

Ms. KAPTUR changed her vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 1005, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

The SPEAKER pro tempore (Mr. HOLDEN). The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H. Res. 774, and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 774 provides a closed rule for consideration of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007. The rule provides 1 hour of debate equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means.

Mr. Speaker, I stand before you on the floor this afternoon with mixed emotions. I along with a majority of Members of the House are disappointed that we have to reintroduce a bill, passed by enormous bipartisan support, which would have provided millions of children across the Nation with access to health care.

The memory of what took place here on the House floor a week ago today will not soon be forgotten. On that day, we saw a few Members stand in lockstep with the President and with that deny health care coverage for millions of our children.

However, coupled with my disappointment, Mr. Speaker, is the consuming feeling of promise. I have hope for those children, along with a belief that those Members who were unable to break away from the President's mistaken rhetoric will stand for what is right today and vote to overwhelmingly pass this vital legislation.

I feel strongly that what motivated me and so many of my colleagues to come to Washington in the first place was the thought that on any day a vote could be held that would improve the lives of millions of people throughout our country. And that is exactly the chance that we have been given here today.

We are again granted the chance to vote for a bill that will advance medical care in this country, improve the health of our youngest and neediest citizens, and offer new hope for literally millions of children who would otherwise be left without either.

I think everyone listening today recognizes the reality of the situation we face. Should we not act, the health care of millions of children will be yanked away on November 16. Not providing health care to millions of children when given the opportunity to do so is appalling, but to strip away benefits from those who currently have them is simply indefensible.

Mr. Speaker, in our vote to expand SCHIP last month, we made a genuine dent in one of the most shameful inadequacies of our health care system: the lack of coverage for millions of America's children.

Congress created the State Child Health Insurance Program in 1997 with broad bipartisan support, including some of my colleagues who now oppose it. As a result, over 6 million children currently have health care coverage that otherwise would not. In my home State of New York, over 400,000 children are enrolled, the second highest in the Nation.

The SCHIP reauthorization bill would preserve access to health care for 6 million children already enrolled in the program, while bringing desperately needed health care coverage to almost 4 million more children. As a result, in my home State of New York, an additional 268,000 children who need it will have health care coverage. That means they will be able to get their immunizations before starting school, or see the dentist when they have a toothache.

This new bill also makes changes by phasing out childless adults after 1 year, and also puts in a cap on children whose parents' income are over 300 percent above the poverty level. The bill also requires States to develop plans and implement recommended best practices for addressing crowd-out.

Make no mistake, 43 Governors from red States and blue, 69 Members of the United States Senate, Democrats and Republicans, 273 of my colleagues from both sides of the aisle in the House, and 81 percent of the American public, including a large majority of Republicans, support our bipartisan expansion of SCHIP.

Yet, presented with this overwhelming support from all sides, the President decided to dust off his veto pen and with it deny millions of children access to health care. In spite of the unquestionable benefits and in spite of the overwhelming popularity and accomplishments of this program, SCHIP is under attack.

We saw reprehensible smear attacks on families who were brought into the public eye to showcase the benefits of the program. In the face of the life-saving chance that was bestowed on the family due to this program, the harshest rhetoric was not cast against the bill, but against this family, including the children.

We saw persons go to the home of one of the families and harass them in public, talk radio and blogs made wild and audacious accusations, and we even saw staffers on Capitol Hill who clearly intended to assist this fabricated, cold-hearted smear campaign.

It is simply beyond comprehension to me that many are willing to score political points by denigrating our Nation's children, particularly those who owe their very lives to this program.

But the American people saw through the attacks. They understood that the health of our Nation's children is simply not worth scoring a few political points.

Mr. Speaker, the President chastises the $35 billion bill, which is fully paid for, as ''too expensive.'' And with the same breath, he seeks an additional $190 billion for the Iraq war, all of which is at the expense of the taxpayer.

This is simply unconscionable when you realize the amount of money it takes to provide the health care for 10 million children for an entire year is what we spend in Iraq in just 41 days. We need to get our priorities straight.

I am enormously proud of the accomplishments we have done this year, from education to health care, but nothing means more to us than SCHIP. The American people expect us to tackle this health challenge before us. Last week we fell short of overturning the veto by just 13 votes. To those Members who know that providing health care to vulnerable children is the right thing to do, I say to you: Join with Democrats and Republicans and with the American people in passing the bill today.

Healthy children make a healthy Nation, Mr. Speaker. I hope every Member takes a long and hard look at the bill that we are presenting today and sees not just the words and the numbers, but the faces of 10 million children whose fate they hold in their very hands.

It is time to put principles before politics. It is time to stand in defiance of misplaced priorities. And it is time to vote with our Nation's children and provide them with the health care they need and deserve.

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

Mr. SESSIONS. Mr. Speaker, I rise today in strong opposition to this 40th completely closed rule to be reported by the Rules Committee in the first session of the 110th Congress, a rule that fails even to provide the minority with a substitute amendment and to the underlying legislation that the minority did not receive until 7:30 p.m. last night.

Might I also add, perhaps the American public is sold on this, but there is not one cosponsor of this bill in this body. And when the bill was presented to the Rules Committee last night, no one even took credit for it. Those that brought the bill forward said, ''Not my bill, this is the Senate bill.'' An interesting twist of fate.

Mr. Speaker, once again, for the third time in as many months, I oppose the way this legislation has been brought to the floor without a single legislative markup. I oppose the fact that despite Speaker PELOSI's promise to run the most honest, open and transparent House in history, today we are being provided with a process and a product that is none of the above.

Mr. Speaker, what we do have is a bill that neither the Republican leadership nor the Republican members on the Energy and Commerce Committee nor the administration had any opportunity to participate in crafting.

What we do have is a process that has been politicized and mischaracterized over and over again by the new Democrat majority in the hopes if the same skewed numbers and faulty facts are repeated enough times, then somehow they must be true.

Last night in the Rules Committee, we learned that when it comes to playing by their own PAYGO rules, the Democrat majority wants to have things both ways. We learned that this majority only agrees with the facts presented by the Congressional Budget Office when it suits their needs. When the CBO estimates that the bill raises taxes enough to pay for the additional $35 billion in spending that it creates, they would be for it. However, when confronted by the fact that CBO estimates that this legislation falls 26 percent short of the often-repeated claim of covering 10 million children, all of a sudden the CBO's calculator is broken and their ability to estimate anything accurately is certainly put at dispute.

The CBO also estimates, as my good friend and colleague from Texas, Dr. MICHAEL BURGESS, points out in his testimony late last night in the Rules Committee, this legislation will move 2 million children who are already being covered by private health insurance into a Washington-based system that deliberately undercompensates physicians for their services by approximately 40 percent, creating a net loss for the overall quality of patient care.

What we do have is a process that for the third consecutive time still increases government spending and dislocates the private marketplace, diverting much-needed funds away from helping our Nation's poorest children.

One new bit of information which has been represented about this legislation is that it finally prevents undocumented workers and adults from receiving those funds intended to pay for the medical cost of children of the working poor.

□ 1245

Since we got this 293-page bill just a few hours ago, I will have to take the Democrats at their word. But if this is the case, it means that despite all of their protests to the contrary, and consistent with now-vindicated Republican criticisms, the first two SCHIP bills passed by the House did cover undocumented workers and adults.

I would like to congratulate Speaker PELOSI and the rest of the new Democrat leadership team for finally agreeing with what Republicans have been saying all along, because we all began at the same point, and that is, you can't have a fix if there's no problem to begin with. We knew there was a problem, and they finally admitted it in this new bill.

Mr. Speaker, I'm not here to oppose the idea of SCHIP. It was a Republican-controlled Congress that created SCHIP; and I support its original, true mission statement. But H.R. 3963 is yet another thinly camouflaged attempt at slowly siphoning Americans from insurance plans in the private market into a Washington-based, government-run, single-payer health care system.

Mr. Speaker, today we have failed to address one of the most serious issues facing our Nation, how to make the health insurance system more affordable and accessible for all Americans. So, most of all, I rise to oppose the Democrat leadership playing political games with children's health in order to score electoral points.

It is a well-known and often-cited axiom that ''success has a thousand fathers, but failure is an orphan.'' That statement is no more true than in Washington, D.C. today, where everyone clamors to be associated with success but sets new land-speed records in distancing themselves from responsibility.

You see, last night in the Rules Committee, we were told time and time again that the bill being brought forward by this rule is not a House product; it is a Senate compromise that we all just have to support. The chairman of the Energy and Commerce Committee, my good friend Mr. DINGELL, reiterated the point over and over again to the committee in his testimony.

In fact, despite asking for one, I'm still unable to find one House Democrat willing to take responsibility for all the shortcomings of this bill. And if we can't find one Member of the House, much less a thousand, willing to take credit for this bill, then I guess if we're simply judging the bill a success or a failure, it's pretty obvious which category this falls into.

Mr. Speaker, I ask all of my colleagues to oppose this completely closed rule that breaks every promise made in Speaker PELOSI's ''New Direction for America,'' and this politically motivated and ill-conceived legislation.

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

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California, the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady for yielding, the distinguished Chair of the Rules Committee, and I thank you for bringing this opportunity to the floor where Congress again will have to make a decision about our priorities. The Congress will, I know, in a very strong bipartisan vote, support the children of America because this has always been, as the gentlewoman indicated, a bipartisan initiative.

I first want to acknowledge the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, for his work over the years. I believe his committee had seven hearings on the legislation regarding SCHIP. And the distinguished Chair of the Health Subcommittee, Mr. PALLONE, is with us here.

I also want to acknowledge the great work of CHARLIE RANGEL, the Chair of the Ways and Means Committee, who has been such a strong advocate for America's children in every way and, in particular, in this. He, too, had his markups on the bill, which improved the bill; and I want to acknowledge him and his distinguished Chair of the subcommittee, Mr. STARK.

But my highest praise goes to Republicans. Without the Republicans we wouldn't even have SCHIP. Senator ORRIN HATCH of Utah really is the father of this initiative. As he tells us, two families in Provo, Utah, visited him in his office. Both of these families have two wage-earners, both of them making minimum wage, trying to support their families of four each. They pled with him that they could not provide health insurance for their children. Because they were working and they were above the poverty line, they did not qualify for Medicaid, and so their hard work was rewarded, not so, by not having health insurance for their children and that was where this all began.

Ten years ago, under a Democratic President, President Clinton, and a Republican Congress, this initiative, SCHIP, State Children's Health Insurance Program, became the law of the land; and God bless that bipartisan effort for making that possible for the health of our children.

So Senator HATCH was very much a part of putting this legislation together, and the gentlemen are right, this is largely a Senate initiative. Senator GRASSLEY, the former Chair of the Finance Committee from Iowa, also a distinguished Republican Member of the United States Senate, has worked harder than anyone to make this the law of the land again, to reauthorize this SCHIP, this children's health initiative, by his intellect, and helped shaping the bill, by his persuasion in talking to Members, including his persuasion of many of us who had a far different bill in mind but agreed to the compromises that he has put forth for the good of the children.

That bill was vetoed. The original bill was vetoed by the President, as we all know. The veto was not overridden. So here we are again with another SCHIP in the image of the bill that received all of the attention before, but improved upon by suggestions made by our colleagues in the minority, our Republican colleagues.

It wasn't that these issues weren't covered in the bill; but the clarity sought by the Republicans, and agreed to by all of us, I think are a definite improvement on the bill, and these fall into three areas.

First, there was the question of the now-famous unlimited amount of wealth that a person could have in order to be able to avail themselves of SCHIP. I hesitate to even repeat the charge because it was so untrue and was known to be untrue, because none of the waivers for such action were ever given by President Bush.

So that factual statement did not exist, but in any event, the fact is now and I thank our Republican colleagues for insisting upon the clarity that says no one making over 300 percent of poverty, no State can allow people to receive the benefits of SCHIP. So there's a cap, a 300 percent of poverty, as to who may receive the benefit.

Secondly, the question of undocumented, those people who are in our country but have not been here that length of time that would qualify. So the undocumented are one category, and the undocumented are not allowed to receive benefits from this initiative. It was clear in the first bill. It's even clearer in the second bill.

So the cap on who can receive it, stronger language as to undocumented, and, third, the issue of adults. Adults were in the program because people thought as a lure to families they could get children in the program. Republicans objected to that. There was an exaggeration of the number of adults who are in the program; but, nonetheless, in the interests of the children the new legislation contains a provision that adults, under one circumstance, will be phased out in 2 years and, in another circumstance, in 1 year, so that it's a faster, faster removal of adults from the system.

As a mother of five, though, I have to insist that Governors still be allowed to provide health care to pregnant women because we cannot talk about the health of our children, especially getting one out to the earliest, healthiest start, unless we talk about the health of pregnant women.

So, again, three areas: the cap, 300 percent; no illegal aliens, to use your term, I prefer undocumented, are able to get benefits; and adults are phased out of the program. The adults were only in the program because the Bush administration gave the waiver to enable them to be in the program; but, nonetheless, that is now out of the question.

So we have this opportunity, once again, for this Congress to speak and vote in support of children. This is so important. It's a very positive day for me because when people ask me what are the three most important issues facing the Congress, I always say the same thing—our children, our children, our children: their health, the education, the economic security of their families, a safe and healthy environment in which they can thrive, and a world at peace in which they can reach their fulfillment.

And on every one of those scores, this Congress has acted in a strong bipartisan way on behalf of the children. The health, we're talking about today. The education, this Congress in a strong bipartisan way passed the biggest package for college affordability since the GI Bill of Rights was signed by Franklin Roosevelt in 1944, over 60 years ago, and this Congress said we are standing with the children in terms of expanding their opportunity.

The health today, the education and many other educational initiatives. I point that one out because it's a start. The economic security of their families, this Congress voted in a very strong bipartisan way to raise the minimum wage, the first time it was raised in 10 years, and with a strong bipartisan vote.

Also, in a very strong bipartisan vote, we voted for the Innovation Agenda, the COMPETES Act, our commitment to competitiveness to keep America number one, keep good-paying jobs and businesses in the United States, helping the economic security of our families.

And then the environment in which they live, again in a strong bipartisan way, we passed legislation to make the air they breathe, the water they drink cleaner. All of this was done, again strong bipartisan votes, highest ethical standard, no new deficit spending, all of it so that none of the advantages that we were conveying to children would be accompanied with a bill heaping mountains of debt onto them into the future.

Part of that also was to operate in the most honest and open way. In a strong bipartisan way, we passed our ethics reform bill so that we are here for the children's interest and not special interests.

So this Congress this year has had a strong bipartisan record in support of our children, and I thank both the Republicans and the Democrats for supporting those initiatives. Almost all of that except this SCHIP has been signed into law by the President of the United States.

Some mention has been made about the fact that there is a fire in California, and as one who has had the privilege of representing the great Golden State of California for 20 years in the Congress, one who understands we had an earthquake in San Francisco, an earthquake in Los Angeles and now these disastrous fires, we all understand how important it is for Members to be at home with their constituents at a time of a natural disaster, a time of tragedy. But that doesn't mean we don't continue with the work of government.

As Mr. TAYLOR so eloquently said earlier, he was with his constituents in Mississippi while we passed legislation that affected those people here in the Congress, and that was the appropriate way to go. It was then; it is now.

As a matter of fact, I spoke to Governor Schwarzenegger the other day and acknowledged his leadership and the rapid response of the California emergency services team, which is the gold standard, a model for the country. I wanted to find out from him what needs he had from the Federal Government. At the time we had emergency designation. Now we have a major disaster designation by the President, and I salute the President for making that designation, and I thank him for visiting California today.

According to Governor Schwarzenegger, all of the Federal resources that are available to those affected by the disaster, those resources are accessible to those who can help people with that, but we will be taking a bipartisan delegation of appropriators and others who can help meet their needs and get a better picture of what's on the ground there after the fire subsides.

So this is something that is a very high priority for this Speaker of the House, the first Californian to ever serve as Speaker, with great love for our great State.

□ 1300

The Governor in that conversation then said, How are we doing on SCHIP? He told me of the calls that he had made, and how important it was to pass this legislation. That's why we are here today.

This is important not only to California's children, but children across the country. The Governor knows a million people have been displaced in California in this natural disaster, and 1.2 million in California will benefit from

this SCHIP bill that we are passing in the Congress today. The Governor understands that. He has been a strong supporter of it, and he is helping us to pass this legislation, recognizing that we have to get the job done. Again, I salute him for his leadership, and I thank him for his support on SCHIP.

Earlier this year under the chairmanship of GEORGE MILLER, Congressman CHAKA FATTAH and Congresswoman ROSA DELAURO we had a summit, a children's summit, where we had hundreds of scientists from all over the country who came and spoke about our children again, their health, their education, housing, really, every aspect of their lives. One of the people who spoke there was Dr. James Heckman, who is a Nobel laureate, received the Nobel Prize for his work on economics. He is the Director of the Center for Social Program Evaluation, Harris School of Public Policy at the University of Chicago.

What he said that day was that the accident of birth is the greatest source of inequality in American society. He said, a good public policy for our children makes good economic sense. That is from an economist.

I know, as a mom and a grandmother that it makes good sense to care for the health of our children. Our Members, I am sure, across the aisle and all of us here know how important the health of our children is. People across America have understood it.

Easter Seals was here last week to advocate for this legislation. The March of Dimes was here on the day of the vote last week to advocate for this SCHIP legislation. Every organization from AARP and the AMA, the American Medical Association, to YWCA and everything in between alphabetically, Catholic Hospitals Association, Families USA, are out there beating the drum for the passage of this legislation.

Imagine Easter Seals and March of Dimes, within 1 week, both sending hundreds of people to Capitol Hill to lobby for this legislation. It was astounding.

I hope today, when our colleagues have to make a decision about this vote, that they will be thinking about the record of bipartisanship on behalf of America's children and families that this Congress already has. Sometimes it is eclipsed by the disagreement that we have on the war, but it is a fine record, and it is stronger because it is bipartisan.

I hope that our colleagues will be thinking about the children. Some of these little children, one of them, Zeke Taylor, he wasn't a beneficiary of SCHIP. March of Dimes helped him through his early years when he needed health care. But he wanted other children to have that, because he, at age 8 years old, as the ambassador for the March of Dimes, knew that it was important to him and, therefore, it was important to other children as well.

As my colleagues, we are pretty blessed, when you think of it. Think of those of us who will be voting today. We all have health insurance for our children. In my case, it's grandchildren. My children are grown, so it's not a question of that. But you who have children who are still, God bless you, I am so jealous, have your children home, you have health insurance for your children.

The people we are trying to reach with this health insurance can't afford it. By the way, nearly, over 90 percent of them make one-fifth of what a Member of Congress makes, one-fifth of what a Member of Congress makes. So we are talking about people who are playing by the rules who are working to lift themselves into the middle class or to sustain their place in the middle class.

We are talking about a country who has not as an issue, not as a piece of legislation, but a deeply held value, an ethic, that to be a great Nation we have to take care of the health of our children. It should almost go without saying, but it doesn't, and we need the public policy, as Dr. Heckman said, good public policy for our children. We say it is necessary for their health and well-being. He also says that it is essential to our economy.

So there is every compassionate, humanitarian, motherly, fatherly, family reason to be for this legislation, but it also makes good economic sense. By the way, it also makes good national security sense.

Again, we have had our moment. We are like a family here. We have had our moments. It's time to put the children first.

I urge all of you to support this legislation that is before us for America's children, for all of America's children, to take our country in a new direction for them.

Mr. SESSIONS. Mr. Speaker, the Republican Party does support SCHIP. We do not support taking 2 million children that today are in private health insurance programs and moving them to the government, Washington-based/run health care program. That is where we offer our differences today on the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend and colleague on the Rules Committee from Dallas for yielding me the time.

Mr. Speaker, this is the third time the House has considered legislation to renew the State Children's Health Insurance Program. It is the third time that it is being considered under a closed rule that denies each and every Member of this House an opportunity to offer an amendment to improve it. It's the third time that we Republicans first saw the text the night before it comes up for debate. It is the third time that the Rules Committee has met at all hours of the night on these suddenly appearing bills.

Last night, it was almost until midnight. The second time we met, it wasn't until almost 10 p.m. And the first time we met on this bill, it was from 1 a.m. to 3 a.m. in the morning. It is the third time the Democrat bill allows thousands of adults to sign up for children's health care. It's the third time it moves those with private insurance into a government-run program. And it's the third time it doesn't focus on caring for thousands of the poorest kids in our country who are eligible for coverage today but who haven't been signed up by the individual States.

Last night, from 9 p.m. until nearly midnight, the Democrats claimed this bill was really different, that they had changed it to address the problems. But the nonpartisan analysis by the Congressional Budget Office says that they are flat wrong.

Under this bill, we would have more adults on children's health insurance than we do today. SCHIP would actually cost more than the previous bills while covering less kids, and that several million enrollees in the program today would leave their private insurance for tax-funded programs. This bill isn't a true effort to reach a new accord to renew SCHIP. It is a political game being played out at its political worst.

Speaker PELOSI, who just spoke very eloquently on the floor, her Web site still has a statement on it, and I quote from that statement, ''Under Democratic leadership, this Congress is changing the way we do business in Washington—restoring accountability and working together to get the job done.'' I wish this promise wasn't being broken every time the SCHIP bill is brought to the floor of the House, but it is a promise that is being broken.

I want to go on, since the Speaker spoke so eloquently. In her ''New Direction for America,'' she states, ''Regular meetings between Chairs and ranking members of committees and staff should be held.'' That didn't happen on this bill. That's another promise that was broken.

Further, in her ''New Direction for America,'' she states, and I quote, ''Bills should generally come to the floor under a procedure that allows open, full and fair debate consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.'' That's another promise that was broken.

To my Democrat friends, I must say that you can't reach an agreement by only talking to yourselves. You don't work together by ignoring Republicans, hiding the text of the bill from the Republicans until the night before the debate, shutting down any opportunity for amendments to be made in order to improve the legislation on the floor.

In 1997, a Republican Congress and a Democrat President actually held discussions on creating SCHIP. They talked together, worked together and reached an agreement to provide health insurance to the poorest kids in

our country. That approach was successful, and it created this program. That is the right approach to reach agreement to renew SCHIP and to keep the focus on caring for kids that are most in need.

The tactics last night and today by Democrat leaders aren't about bipartisan talks; they are about partisan posturing. To me, it's terribly disappointing. SCHIP should be renewed, and it will be renewed as soon as an honest effort is made on a bipartisan agreement.

I urge my colleagues to vote against this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I thank the gentlelady for yielding.

Mr. Speaker, I rise today in strong support of SCHIP and the millions of children from poor families who would be covered by this bill. It is critical that we take action immediately to save this important program. I wholeheartedly supported earlier versions of the SCHIP reauthorization, which would have enhanced and preserved a successful program that has made health insurance a reality for over 6 million children from low-income families.

I was tremendously disappointed that the President did not agree that strengthening SCHIP was a national priority. I could not disagree more with him.

But in response to his opposition, the House leadership has put forth the compromise version of this bill, one that addresses lingering concerns while retaining the core principles of this important program. This bill will protect the existing coverage for children and ensure that the lowest income children who are currently eligible but not enrolled would gain coverage, an additional 4 million children on top of the 6 million who are already covered.

It is the right thing to do. It is the moral and compassionate thing to do, and I urge my colleagues to vote in favor of this rule and the accompanying legislation.

Mr. SESSIONS. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Energy and Commerce Committee, the distinguished gentleman from Ennis, Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, we are here once again on an issue that should have been solved, like, March of this year.

An emergency meeting of the Rules Committee was noticed at 7:30 last evening to be commenced at 8:30. That meeting lasted until midnight.

Dr. MICHAEL BURGESS, a member of the Energy and Commerce Committee, attended with me to represent the Energy and Commerce Committee in the negotiations before the Rules Committee. He offered an amendment to this bill and was told it was not in order because he didn't get it in time. Didn't get it in time. An emergency meeting that is noticed at 7:30, that starts at 8:30, that lasts till midnight, Dr. BURGESS shows up with his amendment and is told, I am sorry, we can't have your amendment in order because it wasn't in time. We didn't even know there was going to be a meeting until 7:30.

Once again, we have a closed rule, which means there are no amendments made in order. Once again, we have a bill that was not seen, at least by those of us on the minority side, until approximately 7 to 7:15 last evening. Once again, we have a bill where there have been really no bipartisan negotiations. There have been some consultations with certain members of the minority party, I have to admit that.

I don't know what the distance is from here to there, but I am going to guess it's about 12 feet. Let's see. It's 18 feet. Now, if I really wanted to negotiate, and I was in the majority, I would say, let's get together and talk. I would reach out to my left and I would reach out to my right, each of us come about 9 feet, we could negotiate.

But here is how the Democrats do it. They haven't even said we wanted you to negotiate, but if they did, they head out the door. They are going around the world to meet us halfway when they could just do it 9 feet apart. I don't understand that.

Let's vote the rule down. Then let's get together and really negotiate.

Now, I want to give Ms. SLAUGHTER some credit. She was born in Texas. Her instincts are right. We did get a motion to recommit today, for the first time. When we get to the motion to recommit, we are going to have an opportunity to put forward a proposal that is positive for SCHIP that has been put together by the Republicans.

I will tell my friends on the majority side, it's not going to be a gimmick. I think it will say ''forthwith,'' which means if we adopt it, we vote on it.

□ 1315

So I look forward to the debate, and I look forward to the motion to recommit. If we really want a bill the President would sign, I would say vote for the motion to recommit. But right now, vote against the rule so we can get some amendments made in order and have a real debate.

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

Mr. SESSIONS. Mr. Speaker, if I could ask how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Texas has 16 minutes remaining. The gentlewoman from New York has 20½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I think we need to sometimes look back and see how we got to where we are.

On March 13, 1996, I was in the Florida Senate. I pulled up an old newspaper article that talked about ''the million-dollar team of tobacco lobbyists figured they had their votes yesterday to override the Governor of Florida. Then Senator Ginny Brown-Waite of rural Hernando County stood to address the chamber. Her vote was crucial to the tobacco companies who wanted to scuttle Florida's tough anti-tobacco law. They thought they had her. But they didn't know that in the last 26 years she had lost her mother, father and sister, all smokers, to cancer.''

I stood up and said, and it's quoted in here:

'' 'I can't sit here any longer and play the tobacco game,' Brown-Waite said in a hushed emotional voice. 'I was awake all last night laboring over this.' ''

''Minutes later, pro-tobacco forces withdrew their motion.''

Ladies and gentlemen, the reason I am bringing this up is this is where the money came from for the original SCHIP bill. It was because of overturning that vote and other States then followed to go after the tobacco companies for funds for third-party reimbursement. That's where the money came from for the SCHIP program. I was proud of that vote. I was very, very proud of that vote. I think the tobacco companies, for a long time, lied to the American public.

So after that, that was in 1996, after that, in 1997 Congress created the SCHIP bill. Great use of the tobacco litigation third-party reimbursement money. Great, great use for it. In Florida we created our own program from it.

But what we have here today is kind of what a farmer in my district once told me. He said, You can take horse manure and roll it in powdered sugar and it doesn't make it a doughnut. That, ladies and gentlemen, I think is kind of what we have here today.

It's a magnet for illegal aliens. We have income disregards in here that will encourage States to disregard anything at all. There are no guidelines. They can disregard any form of income, child support, child care costs, anything that they want to get to that 300 percent of poverty level.

This is not about supporting the President and the override. Lord only knows, this President knows he can not rely on my vote because I have stood in this Chamber and voted to override his veto of the stem cell bill. I disagreed with him on many, many issues.

Madam Speaker is absolutely right. This is about the children. Like her, I'm a mother and a grandmother. Wasn't it interesting that she couldn't use the word illegal. It was undocumented. Whether she prefers to call

them undocumented or illegal, this is a magnet which will draw even more people illegally, I don't have a problem using that word, illegally into our country.

If children really are what my friends on the other side of the aisle care about, then why did they hold up this vote for 2 weeks? Now kids, on November 16, unless we can really, really compromise, they will be without health care. I think that is cruel. I think we need to get serious.

I told Majority Leader HOYER this morning that this bill is just so outrageous. I almost wish I could turn back the clock and change my vote. I never thought I would say that. I absolutely, Mr. Speaker, never thought I would say that. I was very proud of that vote.

We need to make sure that we do cover kids and that we get serious about seriously negotiating a good bill, not a bill called a doughnut.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Mr. Speaker, I rise in support of the SCHIP bill that we will, again, today, be passing with bipartisan support. This is a bill which is not intended to be a handout. This is not a form of welfare. This is legislation that will provide assistance to working families, specifically 10 million children of working families who have had a very difficult time in today's economy, a difficult time with high gas prices, high prices of natural gas, electricity, struggling to make ends meet.

In Ohio we lead the Nation in foreclosures or are near the top. We're near the top in bankruptcy. In Ohio's 18th district there's an air of desperation, given the loss of manufacturing jobs.

The working families of this country need help. And this is a chance to give it to them. To call this a magnet for illegal immigration, to classify this legislation as Washington, D.C.-based health care is a gross misstatement of the facts, and nothing more than a red herring.

The truth is this legislation will enhance the lives, the quality of lives of 10 million young Americans. We have an obligation as a government to do that.

I thank those Republicans with the courage to vote to override the almost certain looming dark cloud of a Presidential veto and urge those with the foresight and courage to do so again as we proceed on this important legislation.

Mr. SESSIONS. Mr. Speaker, I would remind my wonderful friends on the other side that if they are serious about this bill maybe they would start by trying to negotiate with the administration, or by reaching across just 9 feet, as the gentleman from Texas said, Mr. BARTON. Why not try? It's amazing what you would maybe get, maybe some bipartisan help.

Mr. Speaker, at this time I would like to yield 3½ minutes to the distinguished gentleman from the Intelligence and Energy and Commerce Committees, the gentleman, Mr. ROGERS.

Mr. ROGERS of Michigan. Mr. Speaker, I can't tell you how disappointed I am in my colleagues across the aisle. Many of us reached out and said we'd like to help craft the language that solves the problems that we all agree are problems.

Even the Speaker of the House acknowledged that illegals in that other bill was a problem; that adults on the bill was a problem; that people collecting over 300 percent, in some cases $83,000 or up to $100,000, that was a problem. The fact that we're taking millions of children and forcing them off of their private insurance and onto a government program was a problem.

All was acknowledged. But not one constructive meeting happened where we actually sat down and said, we all agree that those are problems. You agree and we agree. Let's work out the language so that we can get a bill that takes care of poor children. That's what we believe.

But, Madam Speaker, I would encourage you to read the bill. As a matter of fact, she was proud to say that they capped it at 300 percent. We got the bill last night. We're still finding some real gems in here.

Denial of payments for expenditures for children health care assistance for children whose effective family income extends 300 percent of the poverty line. Basically, they said, we capped it, see?

And then you read down a little bit, under rule of construction: ''Nothing in these amendments made by this section shall be construed as changing any income eligibility level for children under this section.''

You didn't change anything. As a matter of fact, you made it worse, actually made it worse. So you know that same $83,000 family that we all agreed and the Speaker stood right on this floor and said is a problem is still a problem in this bill.

I encourage all of you to read the bill. The rhetoric is great. Who's against poor kids? Nobody. But if you want to do something that has meaning, if you want to say that everybody's vote counts, that everybody should participate in this process, and you want to stand for kids and not behind them, then we need to reject this rule and come back and write a bill that doesn't allow illegals to have welfare benefits, that doesn't take these 2 million kids and throw them off their private health care, that doesn't have families making $83,000 subsidized by hardworking middle-class families. We can do it if you just try. You didn't even try.

The only people that are welcome now on that side of the aisle's leadership offices are pollsters, focus groups, people who are running TV ads. Last night we had Members getting calls on the bill that we didn't see, advocating for the bill. Oops.

To say that this has been honest and fair and open is a disgrace to this institution, and it is a great institution.

There's lot of people over there I have just so much respect for, and so many of them were trying to reach out and do this; but they were completely cut off from anything that resembled reasonableness.

I just want to cover quickly, Mr. Speaker, the things that the Speaker said again. No illegals. CBO says that, in fact, is not true, and you confirmed in a meeting earlier with your leadership that no proof of citizenship is needed in this bill. Reason enough.

Adults, you said we took care of the adults issue. CBO scores 10 percent of all the participants by 2012 will be adults.

Nothing over 300 percent. You heard the language in there that actually obliterates that. We don't take these working-class families off of their private health care insurance. CBO says 2 million will lose it.

If you honestly believe by your words in this well that these were problems before that you tried to fix, we need to reject this bill, start talking, cooperating and negotiating; and we're going to have a bill that truly helps poor children.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS), a member of the Energy and Commerce Committee.

Ms. SOLIS. I thank the gentlewoman for yielding time to me. And I ask my colleagues to please rise with us today on behalf of the many, many children, 10 million children, that will benefit from the reauthorization and on this rule so that we can hear the discussion and the debate on the Children's Health Insurance Program Reauthorization Act of 2007.

We can't afford not to help those 10 million children. These families here will be the ones that benefit, and future generations, Americans, citizens, will benefit. The SCHIP Reauthorization Act will help reduce what we call health care disparities that currently exist in our communities and in this country.

And although programs such as SCHIP and Medicaid have decreased the number of uninsured children over the last few years, there still has been a lack of funding and outreach efforts that have left millions of eligible children just like these without any form of health care coverage. In fact, 70 percent of Latino children are eligible for health care coverage through public programs, but remain uninsured.

This bill that we are going to debate will reduce the number of uninsured children of color by supporting community health care workers who are better known to give advice to many in our community. These are people that they can trust. These are people that can help inform them on how to go through the process of receiving this type of aid and assistance through the SCHIP program.

While we're doing that, we're going to reach millions of people who have otherwise not been enrolled in the program, particularly those communities that speak other languages, not just bilingual, but also people from different ethnic background like Armenians, Russians, Pacific Islanders and, yes, of course, Latinos.

□ 1330

The compromise legislation, as I see it, before us today is a step in the right direction, and we have an opportunity and a moral obligation to do what is right for our children and our families. These are the most vulnerable communities in the United States. Children of all ages and of all communities of color are counting on us to do the right thing.

I urge my colleagues to vote in support of this rule for the sake of the 10 million children and their families that will benefit from the increase in funding for health care coverage for the most vulnerable populations in our society.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 3963.

This bill is not about politics. It is about hardworking families, the poorest amongst us. It's about 10 million children who will benefit, 10 million children that we have to put a face on. Our children.

As Christians, as humanitarians, we must think of the individuals who need help, children like Kristofer and Felecity Famutimi from San Bernardino County who were hospitalized because they needed sickle cell anemia care. Their families were financially strapped. SCHIP is the only reason that they were able to pull through.

For a month now, SCHIP has been under attack in the news. Enough is enough. Our children must come first. Our children must come first.

We have worked hard on a bipartisan basis to include provisions by the other side. We have included language to minimize substitution of employer-sponsored coverage with SCHIP and phase out childless adults after 1 year and even clarify that CHIP is only for U.S. citizens. Only for U.S. citizens. They are trying to use scare tactics by saying that undocumented children will be able to receive it. It is only for U.S. citizens.

This bill is not perfect, but we have done our part to work out the differences. Let's get our priorities straight. We spent a lot of money on the war, a war we should have never been in. Now we are talking about our children right here in the United States who need help. It is our responsibility. Our children deserve it. We must do better.

I ask my colleagues to support this bill. It is important for the poorest children. Support H.R. 3963.

Mr. SESSIONS. Mr. Speaker, just so that the Members of Congress that are around understand this, that 10 million figure cannot be substantiated. As a matter of fact, the last bill had 7-some million. This new bill, 7.4. So for the Members that want to talk about 10 million, that's not truthful. That is just not true. CBO says it will serve 7.4 million people; about 10 percent will be adults, and 2 million children will go from private insurance into government-run Washington, D.C.-based health care.

Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Florida, Dr. WELDON.

Mr. WELDON of Florida. I thank the gentleman for yielding.

As a physician who practiced medicine for many years prior to coming to the House, I dealt with the issue of the uninsured on a daily basis. Indeed, I used to see it regularly, up close and personal. And certainly I think it is a noble endeavor for this body to try to address this issue.

But I would have to say I think it is really shameful and disgraceful the way the majority has proceeded in this whole process. The first time they brought the bill forward they gave it to us at the 11th hour with no opportunity to amend it. They did it the second time. They did it the third time now. Never, as I understand it, sitting down and seriously trying to discuss this issue with the President. The President needs to sign it.

And people keep coming to the floor and saying we need to do this for the children. What about the children who have to pay for this? I mean, let's talk about all of the children. The way this bill is crafted, the nonpartisan CBO has estimated it will migrate 2 million kids in middle-class families who currently have insurance onto the government payroll. And, jeepers, we can't afford Social Security. We are told that that is going to be insolvent. We can't afford Medicare. Under the current Medicare formula, doctors in this country are supposed to get a 10 percent cut in reimbursement. And now we are going to expand this program.

And the other thing I just want to point out, we are really creating a new entitlement. And one of the very reasons I came here is that this body year after year was creating entitlements that it didn't have the ability to pay for. And all I can say is here we go again. We are expanding this program, we are making it like an entitlement, and we are saying over and over again we are doing it for the children.

What about the tens of millions of children, the hundreds of millions who are going to have to clean up this mess?

I am against this rule. I am against this bill. I'm going to vote against it again.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished chairwoman for her leadership, along with Chairman DINGELL and Chairman RANGEL.

You know, as I listen on the floor, it is so curious to hear us quarreling over helping children, falling down on incorrect facts, details, while our country is facing tragedy. Our friends in California are suffering because of a natural disaster, and here we are on the floor trying to help our children, many of them who live in a suffering State because they have no health insurance.

Today I will vote in a bipartisan manner with my colleagues to support this bill, and I will again hope the President will sign it. But I will join my bipartisan colleagues, 72 percent of the American public who support it, two-thirds of the Senate, the majority of the House. We will stand for the children.

And in particular, as I come from the State of Texas, this is a bill that we need. This bill will provide and is capped at 300 percent of poverty. This bill is standard law. We will cover legal immigrants, and the law already indicates that those who are undocumented will not be covered.

In my own particular community of Harris County, we started in September of 2006 being able to do 56,000. This is a county of 4 million people, and now in the metroplex we are up to 62,000. Do you think that is enough? Absolutely not. In our own State, the Center for Public Policy Priorities Associate Director says Texas will need additional Federal funds in coming years if the State wants to cover the 300,000 children eligible. We are a State that is 20 million plus, but not enrolled in the program today is a mere 300,000. The State is 20 million plus, but we have 300,000 that can't get health insurance, as well as pregnant women. We need this bill. The Texas version of SCHIP covers children and families with incomes at or below 200 percent of the Federal poverty level.

Our State representative, Representative Coleman, has said this veto handcuffs Texas' ability to continue to reduce the number of uninsured children in our State.

You can bet your bottom dollar I'm going to stand with the majority of this Congress in a bipartisan way, not quarrelling over serving our children.

Vote for the SCHIP bill. This is the best way to save our children here in America.

Mr. Speaker, as the Chair of the Congressional Children's Caucus, I rise to announce that I will proudly cast my vote in support of

H.R. 3963, the ''Children's Health Insurance Program (CHIP) Reauthorization Act of 2007.'' I rise in strong support of this legislation because I am listening, and responding to the will of the American people. Last November 2006, Americans went to polls by the millions united in their resolve to vote for change. They voted for a new direction and a change in the Bush Administration's disastrous neglect of the real needs of the American people, particularly children who lack health insurance through no fault of their own. The new Democratic majority heard them and responded by passing H.R. 976, ''State Children's Health Insurance Program (SCHIP) Reauthorization Act of 2007.'' The President vetoed the bill, basing his decision on the absurd and laughable claim that the program was thinly-disguised ''socialized medicine'' and that it was too costly to provide health insurance for America's needy children.

The President's senseless veto of the SCHIP bill suggests that this Administration is operating under the misimpression that it is entitled to a continuation of the ancient régime under which the Republican-led Congress look askance and gave the President a blank check to mismanage the affairs of our nation.

Those days are over. No matter how many veto threats the President issues, this Congress is not going to give him a blank check to escalate and continue the war in Iraq or to ignore the pressing domestic needs of the American people. It is long past time for change in Iraq and in the direction of the United States. Just as the people and government of Iraq must responsibility for their own country, the people's representatives in Congress must take the lead in addressing the real problems of real Americans living in the real world.

H.R. 3963 is a necessary step in the right direction because it provides dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible for coverage today, but not enrolled. That is why I strongly support this legislation.

Mr. Speaker, next to the Iraq War, there is no more important issue facing the Congress, the President, and the American people than the availability of affordable health care for all Americans, especially children.

By vetoing the bipartisan SCHIP Authorization Act, the President vetoed the will of the American people. By vetoing that legislation, the President turned a deaf ear and a blind eye to the loud message sent by the American people last November.

I voted to override the President's veto because I can think of few goals more important than ensuring that our children have access to health coverage. I voted to override the President's veto because I put the needs of America's children first.

TEXAS CHILDREN

I am extremely pleased to know that the children in the State of Texas stand to benefit tremendously from the SCHIP Reauthorization Act. Texas has the highest rate of uninsured children in the nation, and Harris County the highest in the state. The bill goes a long way to provide coverage for the 585,500 children enrolled in Texas's CHIP program; and to reach the 998,000 children in families with incomes under the 200% Federal Poverty Level (FPL) who remain uninsured.

Mr. Speaker, this important legislation commits $50 billion to reauthorize and improve the Children's Health Insurance Program (CHIP) and cover the six million children who meet its eligibility criteria.

Mr. Speaker, SCHIP was created in 1997, with broad bipartisan support, to address the critical issue of the large numbers of children in our country without access to healthcare. It serves the children of working families who earn too much money to qualify for Medicaid, but who either are not able to afford health insurance or whose parents hold jobs without healthcare benefits.

Children without health insurance often forgo crucial preventative treatment. They cannot go to the doctor for annual checkups or to receive treatment for relatively minor illnesses, allowing easily treatable ailments to become serious medical emergencies. They must instead rely on costly emergency care. This has serious health implications for these children, and it creates additional financial burdens on their families, communities, and the entire nation.

This year alone, 6 million children are receiving healthcare as a result of CHIP. However, stopgap funding for this visionary program expires November 16. Congress must act now to ensure that these millions of children can continue to receive quality, affordable health insurance.

As Chair of the Congressional Children's Caucus, I can think of few goals more important than ensuring that our children have access to health coverage. It costs us less than $3.50 a day to cover a child through CHIP. For this small sum, we can ensure that a child from a working family can receive crucial preventative care, allowing them to be more successful in school and in life. Without this program, millions of children will lose health coverage, further straining our already tenuous healthcare safety net.

Additionally, through this legislation, we have an opportunity to make health care even more available to America's children. The majority of uninsured children are currently eligible for coverage, either through CHIP or through Medicaid. We must demonstrate our commitment to identifying and enrolling these children, through both increased funding and a campaign of concerted outreach. This legislation provides States with the tools and incentives they need to reach these unenrolled children without expanding the program to make more children eligible.

In my home state of Texas, as of June 2006, SCHIP was benefiting 293,000 children. This is a decline of over 33,000 children from the previous year. We must continue to work to ensure that all eligible children can participate in this important program. To this end, Texas Governor Rick Perry signed legislation in June which, among other things, creates a community outreach campaign for SCHIP.

In addition to reauthorizing and improving the SCHIP program, this legislation also protects and improves Medicare. Due to a broken payment formula, access to medical services for senior citizens and people with disabilities is currently in jeopardy. Physicians who provide healthcare to Medicare beneficiaries face a 10 percent cut in their reimbursement rates next year, with the prospect of further reductions in years to come looming on the horizon. The budget proposed by the Bush administration does not help these doctors, or the patients that they serve.

This is extremely important legislation providing for the health coverage of six million low-income children, as well as protecting the health services available to senior citizens and persons with disabilities. President Bush was wrong to veto this legislation. I stand strong with the children of America in voting to reauthorize this program. I urge all members to join so that we pass the bill with a veto-proof majority.

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

According to Center for Public Policy Priorities Associate Director Anne Dunkelberg, Texas will need additional federal funds in coming years if the state wants to cover the 300,000 children eligible but not enrolled in the program, as well as pregnant women. Texas' version of SCHIP covers children in families with incomes at or below 200% of the federal poverty level.

TEXAS CHIP ENROLLMENT COUNTY/MONTH FISCAL YR 2007

County Name	Sep–06	Oct–06	Nov–06	Dec–06	Jan–07	Feb–07	Mar–07	Apr–07	May–07	Jun–07	Jul–07	Aug–07
Fisher	32	29	29	30	30	34	33	31	28	30	29	29
Floyd	105	107	122	126	130	130	124	122	113	121	128	129
Foard	24	30	32	33	37	39	39	38	36	36	33	31
Fort Bend	5,009	5,144	5,662	5,728	5,726	5,840	5,843	5,855	5,604	5,573	5,660	5,625
Franklin	156	168	170	169	170	176	179	174	166	161	149	121
Freestone	164	173	165	174	170	170	171	161	148	138	143	148
Frio	276	284	299	296	284	286	283	275	268	269	271	263
Gaines	471	505	511	506	481	472	455	437	446	453	436	424
Galveston	2,379	2,435	2,731	2,763	2,845	2,922	2,889	2,839	2,545	2,448	2,473	2,427
Garza	74	78	88	84	77	85	85	95	93	86	91	90
Gillespie	333	351	351	360	354	353	354	363	355	348	343	325
Glasscock	24	25	22	21	25	25	22	23	17	15	15	18
Goliad	55	67	70	71	69	74	75	72	70	69	70	60
Gonzales	299	297	301	273	270	262	252	222	224	235	222	211
Gray	157	151	163	175	173	185	186	200	179	171	191	178
Grayson	1,156	1,175	1,191	1,216	1,196	1,193	1,193	1,188	1,144	1,119	1,098	1,081
Gregg	1,856	1,917	1,872	1,820	1,713	1,668	1,654	1,631	1,573	1,560	1,614	1,552
Grimes	260	277	270	256	249	249	268	248	239	229	226	218
Guadalupe	925	964	1,062	1,107	1,101	1,133	1,112	1,085	1,033	1,014	1,022	997
Hale	364	364	450	459	462	472	478	479	437	428	458	454
Hall	43	42	46	50	56	56	56	57	48	51	36	39
Hamilton	147	147	138	141	143	148	138	132	127	118	117	100

TEXAS CHIP ENROLLMENT COUNTY/MONTH FISCAL YR 2007—Continued

County Name	Sep–06	Oct–06	Nov–06	Dec–06	Jan–07	Feb–07	Mar–07	Apr–07	May–07	Jun–07	Jul–07	Aug–07
Hansford	54	59	70	66	69	71	73	72	74	82	84	83
Hardeman	48	48	44	43	45	42	40	33	38	34	31	36
Hardin	719	731	779	763	754	735	740	741	692	650	647	651
Harris	56,211	58,711	65,292	66,989	66,696	67,701	67,712	67,044	62,581	61,344	62,184	62,390
Harrison	751	755	756	751	715	719	733	738	701	706	717	707
Hartley	20	24	23	26	30	32	36	35	34	35	22	30
Haskell	83	108	105	105	99	103	108	91	91	103	97	89
Hays	1,342	1,371	1,460	1,456	1,489	1,480	1,455	1,460	1,358	1,266	1,336	1,330
Hemphill	39	35	40	45	45	40	47	46	39	30	30	30
Henderson	1,064	1,147	1,135	1,123	1,065	1,049	1,064	996	979	997	918	932
Hidalgo	16,082	16,874	16,580	16,681	16,124	16,237	16,054	15,835	15,724	15,546	15,367	15,539
Hill	534	557	568	580	568	559	556	539	498	487	493	476
Hockley	253	246	289	258	267	271	286	304	297	310	293	297
Hood	568	577	570	579	578	560	542	566	541	549	545	546
Hopkins	488	485	493	486	493	494	488	477	490	484	467	478
Houston	194	202	196	199	202	198	189	213	216	208	199	198
Howard	422	426	418	409	400	430	433	426	423	410	385	361

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 2 minutes to the former member of the Rules Committee, the distinguished gentleman from Georgia, Dr. GINGREY.

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

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

Mr. Speaker, I rise in strong support of the Children's Health Insurance Program, but not this program and not this rule.

Mr. Speaker, I have spent 26 years of my life as an OB–GYN physician delivering over 5,000 babies. I have a number of reasons to be in opposition to this bill and this rule, but not the least of which is the way the Democratic majority pays for this, how they raise the $71 billion that they are required to in their PAYGO rules. And, Mr. Speaker, that is this cigarette tax of 61 cents a pack. If you crunch those numbers to raise $71 billion to pay for this massive expansion so that Democrats can now cover an additional 4 million children under this program when there are only about 750,000 out there in the 100–200 percent Federal poverty level of not being covered, it makes really no sense. And to pay for it, they would have to have 22 million additional men, women, and, yes, maybe even some of those children I delivered take up the smoking habit. So what kind of sense does that make here? We are trying to provide health insurance for children, but we can only do it if we can encourage 22 million of their grandparents, parents, and, indeed, yes, some of these very children I delivered to take up the smoking habit.

It's like the Pied Piper, maybe being Ms. PELOSI, walking along heading for a cliff smoking cigarettes and all these adults right behind her smoking cigarettes and behind them these little children, and they are headed for that cliff, Mr. Speaker.

This is a terrible bill. I am totally opposed to it. I am not opposed to expanding the program to cover the uninsured that are eligible or even increasing a bit, as the President has said he is willing to increase maybe $10 billion for this program, but I am opposed to the bill. It's wrong.

Let's vote against the rule and against the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, I rise in support of this bill. I rise in support of it because this is the sole reason I ran for Congress. I owe this Congress. I owe this Nation for what it did for me. A lot of people think because I spent 31 years in the military that I got in because of Iraq. I did not. It was this bill.

In my last year in the military, my 4-year-old daughter was diagnosed with a malignant brain tumor, my sole daughter. She was given 3 to 9 months to live, and my entitlement from the Federal Government gave her an opportunity to be here today.

But during that period of time, there was a young boy, Lance, 2½ years old, who was, as she began her chemotherapy, my daughter's roommate. And that first day he was there, we listened as the parents of that child sat with social workers for 6 hours who came and went to see if that young boy would be given the same opportunity, the same entitlement as an American citizen, my daughter, had. It is for Lance that I got in this race.

I owe you because my daughter is here today because of the medicine that you voted for as a military member. I would like to see every young child in America have that one opportunity my daughter did, to have the opportunity to be a productive, healthy child and contribute to this Nation.

So thank you for the opportunity to speak today and thank you, both sides, for giving me the chance for my daughter and, hopefully, Lance in the future to be all they can be. I appreciate it.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER of Florida. I thank the gentleman for yielding.

I rise in opposition to this rule and this bill. Mr. Speaker, I believe that SCHIP should ensure that poor kids are covered first before providing massive tax increases and coverage for adults and illegal immigrants.

The Democrats' SCHIP bill before us today has a 5,900 percent tax increase. It provides coverage to 500,000 adults. And it costs Federal taxpayers $3.7 billion because of illegal immigration.

Let me be specific. With respect to the 5,900 percent tax increase, it takes the tax on cigars from a nickel to $3. With respect to the adults, 500,000 adults whose children are in SCHIP will still be covered.

□ 1345

With respect to illegal immigration, $3.7 billion was provided by CBO.

Since I'm against that, let me tell you what I'm for. I'm for H.R. 3888, which provides the coverage to kids first without having tax increases or coverage for adults and illegal immigrants. That's what we need. I urge my colleagues to support that legislation, and not the bill before us today.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 1 minute to the gentleman from Georgia, Dr. PRICE.

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. I thank my friend for yielding.

As a physician for over 25 years, we've got a diagnosis for what's going on here today. It's called ''a crying shame.'' Crying shame.

You hear from our friends on the other side of the aisle that there are multiple improvements that are made in this bill. Well, they didn't improve the portion of the bill that said we ought to take care of poor kids first. What they did was weaken the requirements for making certain that you were providing benefits to legal residents in both SCHIP and in Medicaid, and they did all that with a massive tax increase. It doesn't sound like improvements to me, Mr. Speaker.

But there is an alternative. It's H.R. 3888. It provides insurance for the same number of kids that this bill does. It does so in a way that didn't move kids from personal private insurance to government-run bureaucratic health care; and it does all of that without a tax increase, all of it without a tax increase.

So why proceed today? Because, as the majority party knows, this is about all politics, all the time.

So the diagnosis, Mr. Speaker, ''a crying shame.''

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act. This bill will ensure that 10 million of America's children will finally get the health care

they deserve, preventive health care, not expensive emergency room health care or poor choices.

Recently, my son, Gus, celebrated his first birthday. My whole family joined in celebrating this occasion. Shortly after I returned to Washington, my wife noticed that Gus wasn't feeling well; he was fussing and not sleeping. She was able to take him to the family doctor, who diagnosed a double ear infection, prescribed antibiotics, and Gus is a healthy 1-year-old back on the mend. The thought that any child would suffer through something so preventable in this richest Nation the world has ever seen and a parent would have to make that decision is unacceptable.

Budgets are far more than fiscal documents. They are a moral document that reflects the values of this Nation. Every Member of this House of Representatives speaking against this bill receives taxpayer-funded health care, and their children don't have to make these choices that 10 million do.

I ask that my colleagues join me in doing the right thing, reauthorize with an overwhelming bipartisan majority.

Mr. SESSIONS. 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, that's called bipartisanship, with Republican Leader BOEHNER immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs appropriations bill for 2008.

The American Legion and the VFW already have, along with multiple requests from Republican Members, including this Member of the House, urged both Speaker PELOSI and Democrat Senate Majority Leader REID to end their PR campaign and begin conference work on the Veterans appropriations bill. 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.

I ask all of my colleagues to support this motion to defeat the previous question so that we can put the partisanship aside and move this very important legislation forward.

I ask unanimous consent to have the text of the amendment and extraneous material appear 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.

Ms. SLAUGHTER. Mr. Speaker, I rise to defend this bill and the children of America.

It has been painful for me to hear the mischaracterizations again of this bill. In the first place, adults will have 1 more year on this bill. And let me remind everybody listening that the only reason adults are on there is because the Bush administration gave States the right to do it. They will all be gone within 1 year. Nobody will be moved off of private insurance onto the Federal insurance. The bill even allows States to give money to private insurance companies to keep the children on those rolls.

I've never heard so much obfuscation, even praising tobacco for medical people to try to stop taking care of America's children. A healthy group of children growing up in this country will absolutely redound on every one of us by the benefits that we will get from it.

It is a tragedy to me, it is something that none of us should be able to even tolerate the thought of, that there are children in this country that don't have the vaccinations, that don't have the health care they need, that they are prevented from getting doctors appointments because they have no way to pay for them.

It is an obligation if ever there was one. We have an opportunity to do it. It is paid for. We're not asking to increase the debt or anything else. It is a bill that deserves the vote of every Member of the Congress, and the President's signature, if ever there was one.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 774 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.

Ms. SLAUGHTER. 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 and clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on adoption of House Resolution 774, if ordered; and approval of the Journal.

The vote was taken by electronic device, and there were—yeas 221, nays 188, not voting 23, as follows:

[Roll No. 1006]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
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 (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
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)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
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—188

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

NOT VOTING—23

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
Dreier
Feeney
Filner
Gallegly
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
McHenry
Moran (VA)
Shea-Porter
Tancredo
Wilson (OH)
Wilson (SC)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1412

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 1006, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA.

Had I been present, I would have voted "yea."

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

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

Ms. SLAUGHTER. 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 215, nays 187, not voting 30, as follows:

[Roll No. 1007]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
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)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
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—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
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 (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
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
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—30

Bilbray
Boren
Brown, Corrine
Buyer
Calvert
Carson
Cuellar
Davis (CA)
Dreier
Filner
Gallegly
Gohmert
Hastert
Hinojosa
Hunter
Israel
Issa
Jefferson
Jindal
Johnson, E. B.
Lewis (CA)
McCarthy (CA)
McHenry
Miller, George
Moran (VA)
Saxton
Shea-Porter
Tancredo
Wilson (OH)
Young (AK)

□ 1420

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 1007, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "yea."

Stated against:

Mr. MCCARTHY of California. Madam Speaker, on rollcall No. 1007, I was unavoidably detained. Had I been present, I would have voted "nay."

THE JOURNAL

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that the ordering of the yeas and nays on approval of the Journal be vacated to the end that the Journal stand approved by the earlier voice vote.

The SPEAKER pro tempore (Mrs. TAUSCHER). Without objection, the Journal stands approved.

There was no objection.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. DINGELL. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, 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. 3963

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

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''Children's Health Insurance Program Reauthorization Act of 2007''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term ''CHIP'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term ''Medicaid'' means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

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

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.
Sec. 2. Purpose.
Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for States and territories for fiscal years 2008 through 2012.
Sec. 103. Child Enrollment Contingency Fund.
Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 105. 2-year initial availability of CHIP allotments.
Sec. 106. Making permanent redistribution of unused fiscal year 2005 allotments to address State funding shortfalls; conforming extension of qualifying State authority; redistribution of unused allotments for subsequent fiscal years.
Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
Sec. 108. One-time appropriation.
Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 112. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 114. Denial of payments for coverage of children with effective family income that exceeds 300 percent of the poverty line.
Sec. 115. State authority under Medicaid.
Sec. 116. Preventing substitution of CHIP coverage for private coverage.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 212. Reducing administrative barriers to enrollment.
Sec. 213. Model of Interstate coordinated enrollment and coverage process.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.
Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.
Sec. 502. Mental health parity in CHIP plans.
Sec. 503. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 504. Premium grace period.
Sec. 505. Demonstration projects relating to diabetes prevention.
Sec. 506. Clarification of coverage of services provided through school-based health centers.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement (''PERM'').
Sec. 602. Improving data collection.
Sec. 603. Updated Federal evaluation of CHIP.
Sec. 604. Access to records for IG and GAO audits and evaluations.
Sec. 605. No Federal funding for illegal aliens; disallowance for unauthorized expenditures.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.
Sec. 612. References to title XXI.
Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
Sec. 614. County Medicaid health insuring organizations; GAO report on Medicaid managed care payment rates.
Sec. 615. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
Sec. 616. Moratorium on certain payment restrictions.
Sec. 617. Medicaid DSH allotments for Tennessee and Hawaii.
Sec. 618. Clarification treatment of regional medical center.
Sec. 619. Extension of SSI web-based asset demonstration project to the Medicaid program.

Subtitle C—Other Provisions

Sec. 621. Support for injured servicemembers.
Sec. 622. Outreach regarding health insurance options available to children.
Sec. 623. Sense of Senate regarding access to affordable and meaningful health insurance coverage.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) through (d), this Act (and the amendments made by this Act) shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR CHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under CHIP for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

TITLE I—FINANCING

Subtitle A—Funding

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

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

''(11) for fiscal year 2008, $9,125,000,000;

''(12) for fiscal year 2009, $10,675,000,000;

''(13) for fiscal year 2010, $11,850,000,000;

''(14) for fiscal year 2011, $13,750,000,000; and

''(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

''(A) $1,150,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

''(B) $1,150,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.''.

SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2008 THROUGH 2012.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsections (d) and (i)'';

(2) in subsection (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d) and (i)(4)''; and

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

''(i) ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

''(1) FOR FISCAL YEAR 2008.—

''(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

''(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(iii) Only in the case of—

''(I) a State that received a payment, redistribution, or allotment under paragraph (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

''(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

''(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

''(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008, except that subparagraph (B) thereof shall be applied by substituting 'the United States' for 'the State'.

''(C) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under subparagraphs (A) and (B) that determine the allotments to States for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no

case shall the Secretary adjust the allotments provided under subparagraph (A) or (B) for fiscal year 2008 after December 31, 2007.

''(D) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit revised projection described in subparagraph (A)(iv) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

''(2) FOR FISCAL YEARS 2009 THROUGH 2011.—

''(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (12) through (14) of subsection (a) for each of fiscal years 2009 through 2011, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

''(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2009.—For fiscal year 2009, the allotment of the State is equal to the sum of—

''(I) the amount of the State allotment under paragraph (1) for fiscal year 2008; and

''(II) the amount of any payments made to the State under subsection (j) for fiscal year 2008,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2009.

''(ii) REBASING IN FISCAL YEAR 2010.—For fiscal year 2010, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2009 (including payments made to the State under subsection (j) for fiscal year 2009 as well as amounts redistributed to the State in fiscal year 2009), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

''(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the sum of—

''(I) the amount of the State allotment under clause (ii) for fiscal year 2010; and

''(II) the amount of any payments made to the State under subsection (j) for fiscal year 2010,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

''(3) FOR FISCAL YEAR 2012.—

''(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

''(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

''(i) the amount of the allotment to such State under subparagraph (A); to

''(ii) the total of the amount of all of the allotments made available under such subparagraph.

''(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2011 (including payments made to the State under subsection (j) for fiscal year 2011 as well as amounts redistributed to the State in fiscal year 2011), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

''(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

''(i) the sum of—

''(I) the amount made available under subsection (a)(15)(A); and

''(II) the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007; to

''(ii) the sum of the—

''(I) amount described in clause (i); and

''(II) the amount made available under subsection (a)(15)(B).

''(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2012, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

''(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

''(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

''(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

''(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

''(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2012); and

''(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

''(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

''(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year, subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2009 or fiscal year 2011.

''(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2012.—Each semi-annual allotment made under paragraph (3) for a period in fiscal year 2012 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.''.

SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

''(j) CHILD ENROLLMENT CONTINGENCY FUND.—

''(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'Child Enrollment Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

''(2) DEPOSITS INTO FUND.—

''(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

''(i) for fiscal year 2008, an amount equal to 20 percent of the amount made available under paragraph (11) of subsection (a) for the fiscal year; and

''(ii) for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

''(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

''(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

''(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

''(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

''(A) IN GENERAL.—If a State's expenditures under this title in fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, or a semi-annual allotment period for fiscal year 2012, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage

through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

''(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

''(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

''(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

''(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

''(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (i)(5)(B) for the State for the prior fiscal year.

''(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

''(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

''(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

''(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

''(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

''(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

''(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.''.

SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

''(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

''(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008 and ending with fiscal year 2012), the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year. Payments made under this paragraph may only be used to reduce the number of low-income children who do not have health insurance coverage in the State.

''(B) AMOUNT FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

''(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year, multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

''(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year, multiplied by 62.5 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

''(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

''(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

''(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State plan under title XIX; exceeds

''(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under title XIX;

but not to exceed 3 percent of the baseline number of enrollees described in subclause (II).

''(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

''(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under title XIX as described in clause (i)(I); exceeds

''(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

''(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under title XIX—

''(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

''(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

''(D) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (B), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

''(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

''(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated $3,000,000,000 for fiscal year 2008 for making payments under this paragraph, to be available until expended.

''(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also be available, without fiscal year limitation, for making payments under this paragraph:

''(I) UNOBLIGATED NATIONAL ALLOTMENT.—

''(aa) FISCAL YEARS 2008 THROUGH 2011.—As of December 31 of fiscal year 2008, and as of December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

''(bb) FIRST HALF OF FISCAL YEAR 2012.—As of December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(cc) SECOND HALF OF FISCAL YEAR 2012.—As of June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 and 2007 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

''(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2009 through 2012, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(j).

''(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

''(F) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under title XIX, taking into account criteria applied as of such date under title XIX pursuant to a waiver under section 1115.

''(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (G) of section 2104(j)(3) shall apply with respect to payment under this paragraph in the same manner as such provisions apply to payment under such section.

''(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2007.—In the case of a State that provides coverage under paragraph (1) or (2) of section 115(b) of the Children's Health Insurance Program Reauthorization Act of 2007 for any fiscal year after fiscal year 2007—

''(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

''(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX for such third fiscal year.

''(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 5 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

''(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

''(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

''(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

''(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

''(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

''(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

''(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

''(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

''(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

''(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a preprinted form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

''(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

''(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

''(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.

''(H) PREMIUM ASSISTANCE SUBSIDIES.—The State is implementing the option of providing premium assistance subsidies under section 2105(c)(11) or section 1906A.''.

SEC. 105. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

''(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

''(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

''(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

''(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.''.

SEC. 106. MAKING PERMANENT REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS; CONFORMING EXTENSION OF QUALIFYING STATE AUTHORITY; REDISTRIBUTION OF UNUSED ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.

(a) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS; EXTENSION OF QUALIFYING STATE AUTHORITY.—Section 136(e) of Public Law 110–92 is amended to read as follows:

''(e) APPLICABILITY.—

''(1) REDISTRIBUTION OF UNUSED FISCAL YEAR 2005 ALLOTMENTS.—The amendment made by subsection (c) shall apply without regard to any limitation under section 106.

''(2) EXTENSION OF QUALIFYING STATE AUTHORITY.—The amendment made by subsection (d) shall be in effect through the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007.''.

(b) REDISTRIBUTIONS OF UNUSED ALLOTMENTS FOR FISCAL YEARS AFTER FISCAL YEAR 2005.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''States that have fully expended the amount of their allotments under this section.'' and inserting ''States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).''; and

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

''(2) SHORTFALL STATES DESCRIBED.—

''(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

''(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not

be expended by the end of the immediately preceding fiscal year;

''(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (j); and

''(iii) the amount of the State's allotment for the fiscal year.

''(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

''(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.''.

SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), as amended by section 136(d) of Public Law 110–92—

(A) by inserting ''subject to paragraph (4),'' after ''Notwithstanding any other provision of law,''; and

(B) by striking ''2007, or 2008'' and inserting ''or 2007''; and

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

''(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

''(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

''(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.''.

SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $13,700,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(i) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.''.

(b) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations regarding methods for the collection and reporting of reliable data regarding the enrollment under Medicaid and CHIP of children in such commonwealths and territories.

(3) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

Subtitle B—Focus on Low-Income Children and Pregnant Women

SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

''SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

''(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

''(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

''(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2007; and

''(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

''(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

''(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

''(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

''(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

''(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

''(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

''(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

''(d) DEFINITIONS.—For purposes of this section:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the

meaning given the term 'child health assistance' in section 2110(a) with respect to an individual during the period described in paragraph (2)(A).

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means an individual—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

''(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

''(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

''(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

''(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

''(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

''(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

''(3) NO INFERENCE.—Nothing in this subsection shall be construed—

''(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

''(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting ''**OR PREGNANCY-RELATED ASSISTANCE**'' after ''**PREVENTIVE SERVICES**''; and

(B) by inserting before the period at the end the following: ''or for pregnancy-related assistance''.

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking '', and'' at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.''.

SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

''(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

''(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

''(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2008.—

''(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after December 31, 2008.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before January 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through December 31, 2008.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2008.

''(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

''(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, 2008, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

''(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2008, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2008, the application shall be deemed approved.

''(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

''(i) in the case of 2009, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for 2008, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2009 over 2008, as most recently published by the Secretary; and

''(ii) in the case of any succeeding year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the year involved over the preceding year, as most recently published by the Secretary.

''(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

''(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

''(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

''(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary

shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

''(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

''(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

''(B) TERMS AND CONDITIONS.—

''(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(15) and any reduction in the allotment for either such period under section 2104(i)(4) shall be allocated on a pro rata basis to such set aside.

''(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

''(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

''(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraph (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

''(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

''(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

''(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

''(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

''(i) was awarded a grant under section 2113 for fiscal year 2009;

''(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

''(iii) has submitted a specific plan for outreach for such fiscal year.

''(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

''(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

''(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

''(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

''(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

''(i) a parent of a targeted low-income child;

''(ii) a nonpregnant childless adult; or

''(iii) individuals described in both clauses (i) and (ii); and

''(B) was in effect on October 1, 2007.

''(2) DEFINITIONS.—

''(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

''(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking '', the Secretary'' and inserting '':

''(1) The Secretary'';

(ii) in the first sentence, by inserting ''or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child'' before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

''(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.''.

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking ''Nothing'' and inserting ''Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing''.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

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

''(B) [reserved]''.

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

''The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).''.

SEC. 114. DENIAL OF PAYMENTS FOR COVERAGE OF CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) DENIAL OF PAYMENTS FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE FOR CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for child health assistance furnished after the date of the enactment of this paragraph, no payment shall be made under this section for any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide expenditures described in such subparagraph under the State child health plan.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

SEC. 115. STATE AUTHORITY UNDER MEDICAID.

(a) STATE AUTHORITY TO EXPAND INCOME OR RESOURCE ELIGIBILITY LEVELS FOR CHILDREN.—Nothing in this Act, the amendments made by this Act, or title XIX of the Social Security Act, including paragraph (2)(B) of section 1905(u) of such Act, shall be construed as limiting the flexibility afforded States under such title to increase the income or resource eligibility levels for children under a State plan or waiver under such title.

(b) STATE AUTHORITY TO RECEIVE PAYMENTS UNDER MEDICAID FOR PROVIDING MEDICAL ASSISTANCE TO CHILDREN ELIGIBLE AS A RESULT OF AN INCOME OR RESOURCE ELIGIBILITY LEVEL EXPANSION.—A State may, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) receive Federal financial participation for expenditures for medical assistance under Medicaid for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

SEC. 116. PREVENTING SUBSTITUTION OF CHIP COVERAGE FOR PRIVATE COVERAGE.

(a) FINDINGS.—

(1) Congress agrees with the President that low-income children should be the first priority of all States in providing child health assistance under CHIP.

(2) Congress agrees with the President and the Congressional Budget Office that the substitution of CHIP coverage for private coverage occurs more frequently for children in families at higher income levels.

(3) Congress agrees with the President that it is appropriate that States that expand CHIP eligibility to children at higher income levels should have achieved a high level of health benefits coverage for low-income children and should implement strategies to address such substitution.

(4) Congress concludes that the policies specified in this section (and the amendments made by this section) are the appropriate policies to address these issues.

(b) ANALYSES OF BEST PRACTICES AND METHODOLOGY IN ADDRESSING CROWD-OUT.—

(1) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary a report describing the best practices by States in addressing the issue of CHIP crowd-out. Such report shall include analyses of—

(A) the impact of different geographic areas, including urban and rural areas, on CHIP crowd-out;

(B) the impact of different State labor markets on CHIP crowd-out;

(C) the impact of different strategies for addressing CHIP crowd-out;

(D) the incidence of crowd-out for children with different levels of family income; and

(E) the relationship (if any) between changes in the availability and affordability of dependent coverage under employer-sponsored health insurance and CHIP crowd-out.

(2) IOM REPORT ON METHODOLOGY.—The Secretary shall enter into an arrangement with the Institute of Medicine under which the Institute submits to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary, not later than 18 months after the date of the enactment of this Act, a report on—

(A) the most accurate, reliable, and timely way to measure—

(i) on a State-by-State basis, the rate of public and private health benefits coverage among low-income children with family income that does not exceed 200 percent of the poverty line; and

(ii) CHIP crowd-out, including in the case of children with family income that exceeds 200 percent of the poverty line; and

(B) the least burdensome way to gather the necessary data to conduct the measurements described in subparagraph (A).

Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated $2,000,000 to carry out this paragraph for the period ending September 30, 2009.

(3) INCORPORATION OF DEFINITIONS.—In this section, the terms ''CHIP crowd-out'', ''children'', ''poverty line'', and ''State'' have the meanings given such terms for purposes of CHIP.

(4) DEFINITION OF CHIP CROWD-OUT.—Section 2110(c) (42 U.S.C. 1397jj(c)) is amended by adding at the end the following:

''(9) CHIP CROWD-OUT.—The term 'CHIP crowd-out' means the substitution of—

''(A) health benefits coverage for a child under this title, for

''(B) health benefits coverage for the child other than under this title or title XIX.''.

(c) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

''(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Within 6 months after the date of receipt of the reports under subsections (a) and (b) of section 116 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

''(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

''(2) uniform standards for data collection by States to measure and report—

''(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

''(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.''.

(d) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following:

''(f) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—

''(1) IN GENERAL.—Not later than 6 months after the best practice application date described in paragraph (2), each State that has a State child health plan shall submit to the Secretary a State plan amendment describing how the State—

''(A) will address CHIP crowd-out; and

''(B) will incorporate recommended best practices referred to in such paragraph.

''(2) BEST PRACTICE APPLICATION DATE.—The best practice application date described in this paragraph is the date that is 6 months after the date of publication of recommendations regarding best practices under section 2107(g)(1).

''(3) SECRETARIAL REVIEW.—The Secretary shall—

''(A) review each State plan amendment submitted under paragraph (1);

''(B) determine whether the amendment incorporates recommended best practices referred to in paragraph (2);

''(C) in the case of a higher income eligibility State (as defined in section 2105(c)(9)(B)), determine whether the State meets the enrollment targets required under reference section 2105(c)(9)(C); and

''(D) notify the State of such determinations.''.

(e) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new subsection:

''(9) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

''(A) DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of April 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

''(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, subject to subparagraph (E), no payment shall be made as of October 1 of such year on or after October 1, 2010, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the State establishes it is in compliance with such requirement.

''(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

''(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

''(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

''(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—

''(i) IN GENERAL.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a p=0.05 level) less than the target rate of coverage specified in clause (ii).

''(ii) TARGET RATE.—The target rate of coverage specified in this clause is the average rate (determined by the Secretary) of health benefits coverage (both private and public) as of January 1, 2010, among the 10 of the 50 States and the District of Columbia with the highest percentage of health benefits coverage (both private and public) for low-income children.

''(iii) STANDARDS FOR DATA.—In applying this subparagraph, rates of health benefits coverage for States shall be determined using the uniform standards identified by the Secretary under section 2107(g)(2).

''(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term 'higher income child' means, with respect to a State child health plan, a targeted low-income child whose family income—

''(i) exceeds 300 percent of the poverty line; or

''(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).

''(E) NOTICE AND OPPORTUNITY TO COMPLY WITH TARGET RATE.—If the Secretary makes a determination described in subparagraph (A)(ii) in April of a year, the Secretary—

''(i) shall provide the State with the opportunity to submit and implement a corrective action plan for the State to come into compliance with the requirement of subparagraph (C) before October 1 of such year;

''(ii) shall not effect a denial of payment under subparagraph (A) on the basis of such determination before October 1 of such year; and

''(iii) shall not effect such a denial if the Secretary determines that there is a reasonable likelihood that the implementation of such a correction action plan will bring the State into compliance with the requirement of subparagraph (C).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) or this section this shall be construed as authorizing the Secretary of Health and Human Services to limit payments under title XXI of the Social Security Act in the case of a State that is not a higher income eligibility State (as defined in section 2105(c)(9)(B) of such Act, as added by paragraph (1)).

(f) TREATMENT OF MEDICAL SUPPORT ORDERS.—Section 2102(b) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following:

''(5) TREATMENT OF MEDICAL SUPPORT ORDERS.—

''(A) IN GENERAL.—Nothing in this title shall be construed to allow the Secretary to require that a State deny eligibility for child health assistance to a child who is otherwise eligible on the basis of the existence of a valid medical support order being in effect.

''(B) STATE ELECTION.—A State may elect to limit eligibility for child health assistance to a targeted low-income child on the basis of the existence of a valid medical support order on the child's behalf, but only if the State does not deny such eligibility for a child on such basis if the child asserts that the order is not being complied with for any of the reasons described in subparagraph (C) unless the State demonstrates that none of such reasons applies in the case involved.

''(C) REASONS FOR NONCOMPLIANCE.—The reasons described in this subparagraph for noncompliance with a medical support order with respect to a child are that the child is not being provided health benefits coverage pursuant to such order because—

''(i) of failure of the noncustodial parent to comply with the order;

''(ii) of the failure of an employer, group health plan or health insurance issuer to comply with such order; or

''(iii) the child resides in a geographic area in which benefits under the health benefits coverage are generally unavailable.''.

(g) EFFECTIVE DATE OF AMENDMENTS; CONSISTENCY OF POLICIES.—The amendments made by this section shall take effect as if enacted on August 16, 2007. The Secretary may not impose (or continue in effect) any requirement, prevent the implementation of any provision, or condition the approval of any provision under any State child health plan, State plan amendment, or waiver request on the basis of any policy or interpretation relating to CHIP crowd-out, coordination with other sources of coverage, target rate of coverage, or medical support order other than under the amendments made by this section. In the case of a State plan amendment which was denied on or after August 16, 2007, on the basis of any such policy or interpretation in effect before the date of the enactment of this Act, if the State submits a modification of such State plan amendment that complies with title XXI of the Social Security Act as amended by this Act, such submitted State plan amendment, as so modified, shall be considered as if it had been submitted (as so modified) as of the date of its original submission, but such State plan amendment shall not be effective before the date of the enactment of this Act and the exception described in subparagraph (B) of section 2105(c)(8) of the Social Security Act, as added by section 114(a), shall not apply to such State plan amendment.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 111, is amended by adding at the end the following:

''SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

''(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

''(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

''(b) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

''(A) propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

''(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

''(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

''(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

''(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

''(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

''(4) an assurance that the eligible entity shall—

''(A) conduct an assessment of the effectiveness of such activities against the performance measures;

''(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

''(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

''(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

''(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

''(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

''(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) A State with an approved child health plan under this title.

''(B) A local government.

''(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

''(D) A Federal health safety net organization.

''(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

''(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

''(G) An elementary or secondary school.

''(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

''(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

''(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

''(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

''(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

''(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

''(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

''(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

''(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

''(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

''(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.''.

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting ''(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)'' after ''enhanced FMAP''; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking ''and'' at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

''(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and''.

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus''.

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting ''(through community health workers and others)'' after ''Outreach''.

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting ''(such as through community health workers and others)'' after ''including practices''.

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

''(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

''(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE xix.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13) EXPRESS LANE OPTION.—

''(A) IN GENERAL.—

''(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

''(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

''(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

''(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

''(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(10), as applicable for verifications of citizenship or nationality status.

''(V) CODING.—The State meets the requirements of subparagraph (E).

''(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

''(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

''(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

''(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

''(ii) ESTABLISHING A SCREENING THRESHOLD.—

''(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

''(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

''(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

''(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

''(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

''(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

''(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

''(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

''(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

''(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

''(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

''(D) OPTION FOR AUTOMATIC ENROLLMENT.—

''(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application, if the requirement of clause (ii) is met.

''(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

''(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

''(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's election under this paragraph;

''(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

''(III) submit the error rate determined under subclause (II) to the Secretary;

''(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

''(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

''(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate

in any manner other than the reduction of payments provided for under clause (i)(V).

''(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

''(iv) ERROR RATE DEFINED.—In this subparagraph, the term 'error rate' means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

''(F) EXPRESS LANE AGENCY.—

''(i) IN GENERAL.—In this paragraph, the term 'Express Lane agency' means a public agency that—

''(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

''(II) is identified in the State Medicaid plan or the State CHIP plan; and

''(III) notifies the child's family—

''(aa) of the information which shall be disclosed in accordance with this paragraph;

''(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

''(cc) that the family may elect to not have the information disclosed for such purposes; and

''(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

''(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

''(I) A public agency that determines eligibility for assistance under any of the following:

''(aa) The temporary assistance for needy families program funded under part A of title IV.

''(bb) A State program funded under part D of title IV.

''(cc) The State Medicaid plan.

''(dd) The State CHIP plan.

''(ee) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

''(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

''(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

''(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

''(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

''(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

''(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

''(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

''(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

''(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

''(v) ADDITIONAL DEFINITIONS.—In this paragraph:

''(I) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

''(II) STATE CHIP AGENCY.—The term 'State CHIP agency' means the State agency responsible for administering the State CHIP plan.

''(III) STATE CHIP PLAN.—The term 'State CHIP plan' means the State child health plan established under title XXI and includes any waiver of such plan.

''(IV) STATE MEDICAID AGENCY.—The term 'State Medicaid agency' means the State agency responsible for administering the State Medicaid plan.

''(V) STATE MEDICAID PLAN.—The term 'State Medicaid plan' means the State plan established under title XIX and includes any waiver of such plan.

''(G) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

''(H) APPLICATION.—This paragraph shall not apply to with respect to eligibility determinations made after September 30, 2012.''.

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).''.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection $5,000,000 for the period of fiscal years 2008 through 2011.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.''.

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

''SEC. 1939. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

''(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

''(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

''(2) Such data or information are used solely for the purposes of—

''(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

''(B) verifying the eligibility of individuals for medical assistance under the State plan.

''(3) An interagency or other agreement, consistent with standards developed by the Secretary—

''(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

''(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

''(c) PENALTIES FOR IMPROPER DISCLOSURE.—

''(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to $10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

''(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).''.

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

''(F) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).''.

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting ''(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))'' after ''with respect to individuals who are eligible''; and

(B) by inserting ''under this title (and, at State option, child health assistance under title XXI)'' after ''the State plan''.

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on January 1, 2008.

Subtitle B—Reducing Barriers to Enrollment

SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) ALTERNATIVE STATE PROCESS FOR VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting ''(A)'' after ''(46)'';

(II) by adding ''and'' after the semicolon; and

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

''(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

''(i) section 1903(x); or

''(ii) subsection (ee);''; and

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

''(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

''(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

''(B) If the State receives notice from the Commissioner of Social Security that the name or social security number, or the declaration of citizenship or nationality, of the individual is inconsistent with information in the records maintained by the Commissioner—

''(i) the State makes a reasonable effort to identify and address the causes of such inconsistency, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number submitted or declaration of citizenship or nationality and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

''(ii) in the case such inconsistency is not resolved under clause (i), the State—

''(I) notifies the individual of such fact;

''(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or resolve the inconsistency with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

''(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such inconsistency is not resolved.

''(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits at least monthly to the Commissioner of Social Security for comparison of the name and social security number, of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2) and who declares to be a United States citizen or national, with information in records maintained by the Commissioner.

''(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

''(i) to provide, through an on-line system or otherwise, for the electronic submission of, and response to, the information submitted under subparagraph (A) for an individual enrolled in the State plan under this title who declares to be citizen or national on at least a monthly basis; or

''(ii) to provide for a determination of the consistency of the information submitted with the information maintainted in the records of the Commissioner through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i).

''(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

''(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the inconsistent submissions bears to the total submissions made for comparison for such month. For purposes of this subparagraph, a name, social security number, or declaration of citizenship or nationality of an individual shall be treated as inconsistent and included in the determination of such percentage only if—

''(i) the information submitted by the individual is not consistent with information in records maintained by the Commissioner of Social Security;

''(ii) the inconsistency is not resolved by the State;

''(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Commissioner of Social Security or provide satisfactory documentation of citizenship status and did not successfully resolve such inconsistency; and

''(iv) payment has been made for an item or service furnished to the individual under this title.

''(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

''(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

''(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to

the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided inconsistent information as the number of individuals with inconsistent information in excess of 3 percent of such total submitted bears to the total number of individuals with inconsistent information.

''(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

''(D) Subparagraph (A) and (B) shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year that provides for the submission on a real-time basis of the information described in such paragraph.

''(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.''.

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking ''plus'' at the end of subparagraph (E) and inserting ''and'', and

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

''(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

''(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus''.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking ''subsection (x)'' and inserting ''section 1902(a)(46)(B)''; and

(B) in subsection (x)(1), by striking ''subsection (i)(22)'' and inserting ''section 1902(a)(46)(B)(i)''.

(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Commissioner of Social Security $5,000,000 to remain available until expended to carry out the Commissioner's responsibilities under section 1902(ee) of the Social Security Act, as added by subsection (a).

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

''(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

''(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.''.

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking ''or'' at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

''(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or''; and

(ii) by adding at the end the following new paragraph:

''(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.''.

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.''.

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

''(10) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

''(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

''(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.''.

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

''(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have

presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

''(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.''.

SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a), 116(c), and 211(c), is amended by adding at the end the following:

''(11) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

''(A) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

''(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

''(i) IN GENERAL.—Subject to clause (ii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

''(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

''(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

''(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

''(ii) EXCEPTION.—Such term does not include coverage consisting of—

''(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

''(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

''(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

''(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

''(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

''(II) cost-sharing protection consistent with section 2103(e).

''(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

''(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

''(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

''(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

''(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

''(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

''(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

''(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

''(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less

than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

''(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

''(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

''(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

''(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).

''(N) COORDINATION WITH MEDICAID.—In the case of a targeted low-income child who receives child health assistance through a State plan under title XIX and who voluntarily elects to receive a premium assistance subsidy under this section, the provisions of section 1906A shall apply and shall supersede any other provisions of this paragraph that are inconsistent with such section.''.

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking ''relative to'' and all that follows through the comma and inserting ''relative to

''(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

''(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.''.

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

''PREMIUM ASSISTANCE OPTION FOR CHILDREN

''SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

''(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

''(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

''(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

''(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

''(C) that is offered to all individuals in a manner that would be considered a non-discriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

''(2) EXCEPTION.—Such term does not include coverage consisting of—

''(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

''(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term 'premium assistance subsidy' means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

''(d) VOLUNTARY PARTICIPATION.—

''(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

''(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

''(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

''(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that payments for such assistance shall first be made under such coverage.''.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

''(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraph (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

''(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraph (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).''.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

''(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

''(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b).

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking ''and the remedies'' and inserting '', the remedies''; and

(ii) by inserting before the period the following: '', and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside''.

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the ''Working Group''). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking ''or (8)'' and inserting ''(8), or (9)''; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

''(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

''(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.''.

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of

such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

''SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

''(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

''(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

''(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

''(A) The duration of children's health insurance coverage over a 12-month time period.

''(B) The availability and effectiveness of a full range of—

''(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

''(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

''(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

''(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

''(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

''(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

''(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

''(A) the status of the Secretary's efforts to improve—

''(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

''(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

''(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

''(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

''(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

''(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

''(A) provide information regarding the quality of health coverage and health care for children;

''(B) address the needs of children throughout the developmental age span; and

''(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

''(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

''(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

''(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

''(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

''(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

''(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

''(A) evidence-based and, where appropriate, risk adjusted;

''(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

''(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

''(D) periodically updated; and

''(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

''(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

''(A) States;

''(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

''(C) dental professionals, including pediatric dental professionals;

''(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

''(E) national organizations representing children, including children with disabilities and children with chronic conditions;

''(F) national organizations representing consumers and purchasers of children's health care;

''(G) national organizations and individuals with expertise in pediatric health quality measurement; and

''(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

''(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

''(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in

clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

''(B) award grants and contracts for—

''(i) the development of consensus on evidence-based measures for children's health care services;

''(ii) the dissemination of such measures to public and private purchasers of health care for children; and

''(iii) the updating of such measures as necessary.

''(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

''(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

''(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

''(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

''(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

''(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

''(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

''(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

''(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

''(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

''(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

''(B) promote the use of health information technology in care delivery for children under such titles;

''(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

''(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

''(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

''(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

''(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

''(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

''(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

''(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

''(A) identify, through self-assessment, behavioral risk factors for obesity among children;

''(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

''(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

''(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

''(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

''(A) A city, county, or Indian tribe.

''(B) A local or tribal educational agency.

''(C) An accredited university, college, or community college.

''(D) A Federally-qualified health center.

''(E) A local health department.

''(F) A health care provider.

''(G) A community-based organization.

''(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

''(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

''(A) carry out community-based activities related to reducing childhood obesity, including by—

''(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

''(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

''(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

''(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(I) after hours physical activity programs; and

''(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

''(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

''(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

''(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

''(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

''(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

''(D) provide, through qualified health professionals, training and supervision for community health workers to—

''(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

''(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

''(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

''(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

''(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities

that the entities propose to carry out with funds made available under the grant are effective;

''(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

''(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

''(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

''(E) located in communities that are medically underserved, as determined by the Secretary;

''(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

''(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

''(i) community-based organizations;

''(ii) local governments;

''(iii) local educational agencies;

''(iv) the private sector;

''(v) State or local departments of health;

''(vi) accredited colleges, universities, and community colleges;

''(vii) health care providers;

''(viii) State and local departments of transportation and city planning; and

''(ix) other entities determined appropriate by the Secretary.

''(5) PROGRAM DESIGN.—

''(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

''(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

''(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

''(7) DEFINITIONS.—In this subsection:

''(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

''(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

''(i) includes questions regarding—

''(I) behavioral risk factors;

''(II) needed preventive and screening services; and

''(III) target individuals' preferences for receiving follow-up information;

''(ii) is assessed using such computer generated assessment programs; and

''(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

''(D) ONGOING SUPPORT.—The term 'ongoing support' means—

''(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

''(I) the results of a self-assessment given to the individual;

''(II) behavior modification based on the self-assessment; and

''(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

''(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

''(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

''(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

''(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

''(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

''(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

''(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

''(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

''(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

''(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

''(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

''(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

''(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI.

''(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.''.

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking ''and'' at the end of clause (i); and

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

''(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and''.

SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''The State'' and inserting ''Subject to subsection (e), the State''; and

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

''(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

''(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

''(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

''(3) Data regarding denials of eligibility and redeterminations of eligibility.

''(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

''(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

''(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.''.

(b) STANDARDIZED REPORTING FORMAT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

''(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

TITLE V—IMPROVING ACCESS TO BENEFITS

SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (7) of subsection (c)''; and

(ii) in paragraph (1), by inserting ''at least'' after ''that is''; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

''(5) DENTAL BENEFITS.—

''(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

''(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

''(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

''(i) FEHBP CHILDREN'S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

''(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

''(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.''.

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting ''and services described in section 2103(c)(5)'' after ''emergency services''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to coverage of items and services furnished on or after October 1, 2008.

(b) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(c) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking ''and'' at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting ''; and''; and

(C) by inserting after paragraph (70) the following new paragraph:

''(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.''.

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(C) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(d) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting ''and other information relating to the provision of dental services to such children described in section 2108(e)'' after ''receiving dental services,''.

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

''(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

''(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

''(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

''(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

''(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

''(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(e) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(f) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting ''and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health'' after ''chronic conditions''; and

(2) in paragraph (6)(A)(ii), by inserting ''dental care,'' after ''preventive health services,''.

(g) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

''(6) MENTAL HEALTH SERVICES PARITY.—

''(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

''(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting '', (6),'' after ''(5)''; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) PREMIUM GRACE PERIOD.—The State child health plan—

''(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

''(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

''(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

''(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

SEC. 505. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform

relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

SEC. 506. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

''(8) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers.''.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

SEC. 601. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

''(12) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.''.

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 302(b)), is amended by adding at the end the following:

''(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).''.

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as ''PERM'') requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the ''MEQC'') requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, as in effect on September 1, 2007, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 602. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking ''$10,000,000 for fiscal year 2000'' and inserting ''$20,000,000 for fiscal year 2008''.

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

''(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

''(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

''(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(i)(5)(B) and any other data necessary for carrying out this title.

''(C) Include health insurance survey information in the American Community Survey related to children.

''(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

''(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

''(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

''(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.''.

SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

''(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

''(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

''(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

''(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

''(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011.''.

SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

''(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.''.

SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS; DISALLOWANCE FOR UNAUTHORIZED EXPENDITURES.

Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles XI, XIX, and XXI of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under CHIP, respectively.

Subtitle B—Miscellaneous Health Provisions

SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking ''Notwithstanding any other provision of this title'' and inserting ''Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)''; and

(ii) by striking ''enrollment in coverage that provides'' and inserting ''coverage that'';

(B) in clause (i), by inserting ''provides'' after ''(i)''; and

(C) by striking clause (ii) and inserting the following:

''(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).'';

(2) in subparagraph (C)—

(A) in the heading, by striking ''**WRAP-AROUND**'' and inserting ''**ADDITIONAL**''; and

(B) by striking ''wrap-around or''; and

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

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

''(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

''(iii) affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.''.

(b) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking ''aid or assistance is made available under part B of title IV to children in foster care and individuals'' and inserting ''child welfare services are made available under part B of title IV on the basis of being a child in foster care or''.

(c) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

''(c) PUBLICATION OF PROVISIONS AFFECTED.—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u–8).

SEC. 614. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS; GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting '', in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County'' after ''described in subparagraph (B)''; and

(2) in subparagraph (C), by striking ''14 percent'' and inserting ''16 percent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(c) GAO REPORT ON ACTUARIAL SOUNDNESS OF MEDICAID MANAGED CARE PAYMENT RATES.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicaid managed care organizations under title XIX of the Social Security Act are actuarially sound.

SEC. 615. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than May 15, 2008, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

SEC. 616. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to January 1, 2010, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SEC. 617. MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

(a) TENNESSEE.—The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

(b) HAWAII.—Section 1923(f)(6) (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the paragraph heading, by striking ''FOR FISCAL YEAR 2007''; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''Only with respect to fiscal year 2007'' and inserting ''With respect to each of fiscal years 2007 and 2008'';

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i), the following new clauses:

''(ii) TREATMENT AS A LOW-DSH STATE.—With respect to fiscal year 2009 and each fiscal year thereafter, notwithstanding the table set forth in paragraph (2), the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

''(iii) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this section do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.''.

SEC. 618. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r–4) in at least one State other than the State in which the center is located.

SEC. 619. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—Beginning on October 1, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

Subtitle C—Other Provisions

SEC. 621. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued

paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. 622. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under subsection (b)(1); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SEC. 623. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'',

(2) by striking ''20.719 percent (18.063 percent on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''52.988 percent'', and

(3) by striking ''$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''$3.00 per cigar''.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking ''$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'', and

(2) by striking ''$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (2) and inserting ''$105.00 per thousand''.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking ''1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)'' and inserting ''3.13 cents''.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking ''2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)'' and inserting ''6.26 cents''.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking ''58.5 cents (51 cents on snuff removed during 2000 or 2001)'' in paragraph (1) and inserting ''$1.50'', and

(2) by striking ''19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)'' in paragraph (2) and inserting ''50 cents''.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking ''$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)'' and inserting ''$2.8126 cents''.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking ''$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)'' and inserting ''$8.8889 cents''.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(B) REPORTS.—Section 5722 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(3) RECORDS.—Section 5741 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

''(p) MANUFACTURER OF PROCESSED TOBACCO.—

''(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

''(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.''.

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting '', or any processed tobacco,'' after ''nontax-paid tobacco products or cigarette papers or tubes''.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

''(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

''(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current

legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

''(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

''(C) has failed to disclose any material information required or made any material false statement in the application therefor.''.

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

''(b) SUSPENSION OR REVOCATION.—

''(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

''(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

''(B) has violated the conditions of such permit,

''(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

''(D) has failed to maintain his premises in such manner as to protect the revenue,

''(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

''(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

''(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking ''and section 520 (relating to refunds)'' and inserting ''section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting ''or cigars, or for use as wrappers thereof'' before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.75 percent'' and inserting ''113.75 percent''.

The SPEAKER pro tempore. Pursuant to House Resolution 774, the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I rise in support of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007.

Madam Speaker, this is not a perfect bill, but it is an excellent bipartisan compromise. I would observe that it meets the concerns expressed both in the President's veto message and also in the comments raised by our Republican colleagues as we debated the bill at earlier times.

I will note that the bill protects health insurance coverage for some 6 million children who now depend on CHIP. I will observe that it provides health coverage for 3.9 million children who are eligible, yet remain uninsured. Together, this is a total of better than 10 million young Americans who, without this legislation, would not have health insurance, and it is to be noted that those same young people will be losing their health insurance shortly if we do not act expeditiously on this matter.

□ 1430

As mentioned, the bill makes changes to accommodate the President's stated concerns.

First, it terminates the coverage of childless adults in 1 year.

Second, it targets bonus payments only to States that increase enrollments of the poorest uninsured children, and it prohibits States from covering children in families with incomes above $51,000.

Third, it contains adequate enforcement to ensure that only U.S. citizens are covered.

Fourth, it encourages States to help low-income families to secure health insurance provided through their private employer.

The bill is focused on the private marketplace. The evidence of that is the bill has strong support from the private health insurance industry. It is supported by the medical community, AMA, children's advocates, educators, advocates for people with disabilities, health professionals, hospitals, the AARP and others.

It is solid, bipartisan legislation worked out in careful meetings with Members from both parties, including Senator HATCH and others on the Senate side who have done such important work on this matter in times past, and that includes also our dear friend, Senator GRASSLEY.

It is solid, bipartisan legislation that addresses the concerns expressed by the President and by our colleagues in the House on the Republican side. I urge an ''aye'' vote on H.R. 3963.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. DEAL), ranking member of the Subcommittee on Health, and I ask unanimous consent that he control the minority time for the Committee on Energy and Commerce.

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

There was no objection.

Mr. DEAL of Georgia. Madam Speaker, today we are dealing with a bill that supposedly is a fix of the previous legislation that has been vetoed. We are all entitled to our opinion, but we should rely on a body that gives us the facts, and that is the Congressional Budget Office. I would like to look at some of those facts.

First of all, there is supposed to have been a fix on the issue of illegal immigration. CBO still estimates that there will be $3.7 billion of increased Federal spending and complementary State spending that will total some $6.5 billion of additional spending because of this change as it relates to the immigration issue over the next 10 years, and an additional 100,000 adults will gain eligibility because of this section.

The questions that ought to be asked are the two questions that were put to the staff of the Social Security Administration, because if we are going to allow Social Security numbers to be used as identification, these ought to be the questions. They were said to the staff. And the question is: Would the name and Social Security number verification system in this bill verify that the person submitting the name and the Social Security number is who they say they are?

The answer: No.

Second question: Would the name and Social Security verification system in this bill prevent an illegal alien

from fraudulently using another person's valid name and matching Social Security number to obtain Medicaid and SCHIP benefits?

The answer: No.

The authors of this bill also claim there is a fix on the issue of adults in SCHIP. The fact that CBO still projects that up to 10 percent of the enrollees in SCHIP will be adults, not children, in the next 5 years, and money for poor children shouldn't, in my opinion, go to cover adults.

The fix on the issue of crowd-out. The CBO still estimates there will be some 2 million people who will lose their private health insurance coverage and become enrolled in a government-run program.

Then the fix relating to the enrollment of higher income children. CBO estimates there will only be some 800,000 who are currently eligible for SCHIP who will be enrolled in the next 5 years, but an additional 1.1 million people with incomes that are not currently eligible for SCHIP will be enrolled in the program.

I urge a ''no'' vote.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself 3 minutes.

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

Mr. RANGEL. Madam Speaker and my colleagues, now that the dust has settled and the parliamentary games have been played and some of the facts that have been distorted have been corrected, we reach the point that at the end of the line the question is going to be: Did you vote for health care for 10 million children and did you vote to support the $35 billion that is necessary to do it?

I don't think that any of the families of the children or the Governors or the agencies that are just waiting to see what is going to happen are very interested in the distortions continuing. It is going to be very, very simple. Which way do you vote, and if you did not vote for the bill, why didn't you?

Now there may be some particular loyalty to the President, but you have to remember that when these voters and people come to you, the President's veto message will not be stapled to you and you will have to, on your own, be able to explain why you thought what he said was true. That's why we rely heavily on some of the President's strongest supporters, Senator ORRIN HATCH and Senator CHUCK GRASSLEY, because as a Democrat, I am kind of used to Republicans beating up on me, but I am not used to them beating up on the Republican leaders in the Senate such as ORRIN HATCH and CHUCK GRASSLEY. This is particularly so since the Senate has assumed so much responsibility in putting together this bill which neither you nor I like, but what the heck, we have to play the hand that is dealt.

So remember that just by attacking personalities, it may be like getting into a firing squad that is in a circle and we find everybody shooting at each other. But really, the winners and losers are going to be those children without health coverage and their families who are struggling hard. And ultimately, these kids are really America. It takes so much to take care of some of the illnesses that could be detected.

And as sensitive as the President is to the poor that are smoking and having the tobacco tax increase, tobacco smoking is dangerous for America and for our health system. It is very expensive, and it is a deterrent to children smoking.

So when all of this is done, I don't know how many people are going to ask you why did you vote no. But please remember that many of the reasons that are stated today, the truth will be caught up to the allegations and you will have to have a better answer.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I yield myself 2 minutes.

First, I want to thank the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, Mr. DINGELL, for requesting unanimous consent that every Member may have 5 days to revise and extend his remarks. The reason I say that is we on the minority side just got this bill at 8 p.m. last night, so it is going to take a few days to understand the changes that have been made, and so we may want to revise and extend our remarks when this debate is over today.

This is the third time we have debated a measure like this along these lines. I am probably going to repeat some of the things I have said earlier because, in our cursory examination of the bill at least, it doesn't appear to have changed very much.

The bill does nothing, for example, to address the cliff in the funding of SCHIP, so a future Congress will still face a choice of throwing off the SCHIP rolls 6.5 million kids or raising taxes by about $40 billion.

It still relies on a declining revenue source, tobacco taxes, to fund a growing program which is likely to exacerbate the funding cliff issue. In short, the legislation remains fiscally irresponsible.

Further, despite some window dressing on this, it appears illegal immigrants will be able to use fraudulent Social Security numbers and still be able to get SCHIP and Medicaid benefits.

It still allows States to enroll higher income children at least through 2010 and continues to allow States to use a system of so-called income disregards to set just about any income limit they please.

I support SCHIP. I want SCHIP to be extended, but this so-called new legislation seems to do absolutely nothing to address the serious flaws in the previous proposals.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan yields his time to the gentleman from New Jersey.

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Madam Speaker, I rise in strong support of the SCHIP program. The bottom line, my friends, is do we want to fund children's health care for poor children in this country or do we not?

The arguments against it from fiscal conservatives, and I always have to question that a bit because our Republican friends have driven up the deficit to the greatest in American history, and now they want to tell us this program is too expensive.

One of the reasons the American people are so disenchanted with Congress is because the Republicans are blocking a bill that is very, very supportive of what American people want. We see here that 72 percent of the American public, two-thirds of the Senate, the majority of the House, 43 State Governors and more than 300 organizations support this legislation; and our friends on the other side of the aisle are blocking the will of the American people.

Let's fund this bill. Let's help poor children. Stop with the nonsense, stop with the nonsense about New York. We try to help as much as we can. Congress ought to help our poor kids. That's the question. Do you want to help poor kids, or don't you?

Mr. DEAL of Georgia. Madam Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Speaker, I don't think anyone opposes providing health care for poor children and children of the working poor. That is not what our argument is about today.

What we do oppose is having a bill before us that covers 400,000 less kids in SCHIP than previously. We do oppose having a bill that has a funding cliff in 2012 where you just plan to run out of money. Now the question is: Why would you vote for a bill where you plan on having a program fail?

Another thing we see in this bill before us, it is going to spend a half billion dollars more than SCHIP version one, and it is going to cover less kids. So there are plenty of reasons to oppose this bill.

In addition, you have the issue with illegal immigration. CBO, the Congressional Budget Office, projects that section 211 of this bill will result in spending $3.7 billion in increased spending on health care for this population over the next 10 years.

And then you get to the issue of adults. Well, what you are talking about is getting childless adults off the program, not all adults, just childless adults.

Madam Speaker, I think we as parents expect our children to grow up and expect them to take responsibility. This is not Never Never Land, and all adults need to be removed from this program.

SCHIP, as it was put in place in 1997, is there for poor children, children of the working poor. The list could go on and on. We also know there is a massive redistribution of taxes within this bill. We have all seen those figures.

On top of that, you look at what goes to the east coast and it is harming those children in the middle of the country. I oppose the bill.

Mr. RANGEL. Madam Speaker, at this time I recognize the chairman of the Health Subcommittee who has worked very hard on the Medicare part and transferred that knowledge to help perfect the SCHIP bill, Chairman STARK, for 2 minutes.

Mr. STARK. Madam Speaker, I thank the distinguished chairman for yielding, and I rise in strong support of this third version of legislation to improve and extend the Children's Health Insurance Program, and I hope the third time will be a charm.

Eighty percent of Americans, 72 percent perhaps, a strong bipartisan majority in the Senate, nearly every House Democrat, and at last count 45 House Republicans, all supported this version of SCHIP. President Bush and many of my Republican colleagues, however, opposed the previous version of this legislation. Supposedly you opposed it because, one, it might have enabled the States to provide health care to adults.

□ 1445

Two, children in the middle-income families might get health care. And, three, worst of all, undocumented immigrant children might have gotten health care. Also, there was a concern by some that we'd run out of money. I haven't heard that concern of where we're going to get $1.7 trillion for a war that we're fighting, but at least you're worried about bringing that money to health care.

The bill before us today answers those criticisms. It should be more acceptable to a few more of my Republican colleagues, perhaps even to the President. The previous version concerns have been met, rectified, and so those who vote against today's legislation can only be voting against the government providing health care to poor children who have no other means of obtaining medical care. That's the only reason left to vote against this. No other way to account for a ''no'' vote.

But I'm most proud of what this bill does not do. It doesn't compromise in covering children. It adds $35 billion in new funding to the SCHIP program, and it provides coverage to 10 million additional children.

I urge my colleagues to join with me, making the third time a charm, not a strike out, for America's children. With even stronger bipartisan support, we may convince President Bush to do right by America's children. Let's provide him that opportunity and guide him down the path to compassion and humane treatment for all our children.

Mr. MCCRERY. Madam Speaker, at this time I yield 2 minutes to the gentleman from Texas (Mr. SAM JOHNSON).

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, I rise today to simply state that facts are funny things. No matter what's said on the floor of this House or how many times it's said, facts are facts.

And the real fact is, this compromise bill is nothing less than a bunch of baloney. This bill covers fewer kids, costs more than last week's bogus SCHIP bill, and you know, we have a saying in Texas, if you put lipstick on a pig, it will still be a pig.

My biggest concern with this bill is it doesn't fix the illegal immigration loophole. The Congressional Budget Office projects that the Federal Government will spend almost $4 billion to pay for health insurance benefits for illegal immigrants. That doesn't sound like much of a solution to me.

And this bill diverts resources away from kids who need the resources most. In fact, in 5 years, 10 percent of the enrollees in the Children's Health Insurance Program will not be children but adults. If we're going to reauthorize a Children's Health Insurance Program, we ought to be sure American kids have access to health insurance, not adults, not illegal immigrants.

I say support poor kids first. The American taxpayer wants, needs, and deserves a bill that does just that.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. DINGELL) reclaims control of his time.

There was no objection.

Mr. DINGELL. Madam Speaker, at this time, it is a privilege for me to yield 3 minutes to the distinguished chairman of the subcommittee, my good friend from New Jersey (Mr. PALLONE) who has been a great leader in these matters.

Mr. PALLONE. Madam Speaker, I thank Chairman DINGELL.

I'm really pained when I listen to the last speaker and some of the comments that have been made on the other side, you know, calling this sincere effort by the Democrats, on a bipartisan basis with the Senate, to try to come up with something that we can get you on the other side of the aisle to support. You know, I heard words like ''baloney'' and ''bogus,'' and almost I think actual laughter. And it's a sad day when we laugh at this issue which is an issue of whether we're going to cover kids so that they don't have to go to an emergency room and can actually go to a doctor and get proper health care.

The Democrats, and this is again bipartisan where some Republicans and the Senate Republicans have gone out of their way to try to address the concerns that some of the Republicans have expressed, but the bottom line is that we can't change the fact that we want to cover additional kids, 10 million in total.

And when we know that the American people support this effort, what they support is covering more kids, those that are already eligible and not enrolled up to the tune of 10 million kids. Now, that's going to take $35 billion over 5 years. You can't get away from it.

And the President is saying, well, I can't support any new tobacco tax to pay for it; I'm going to pay for it out of the existing budget. Well, that's simply not possible. If you look at the budget, he's actually cutting Medicaid, and one of the things that this bill does is to stop those cuts in Medicaid so we can cover the kids that we have.

Now, we have tried very hard to address each of the three issues that the Republicans have raised, and the first one I'd like to talk about today is the issue of illegal aliens. There was never anything in this provision that allowed illegal aliens to be covered. We have made it absolutely clear in this new bill that that is the case and that they will not be covered. Anyone who suggests otherwise is just not being honest about this.

The second thing that we did, we tried to address the issue of adults. Single adults who are phased out after 2 years now under this bill will be phased out after 1 year, and even the parents, yes, they're also phased out I think over two or three years. So we're addressing that issue.

And then the third issue that was raised was the issue with regard to the income eligibility; and here, again, what we're saying is that if you go over 300 percent, okay, other than those that are already grandfathered into the program, you're no longer going to be able to cover those kids at that $82,000 or the other levels that they suggested.

Now, we've made an honest effort here to accomplish this, and all we're asking is that a few more of you come over to our side and join the Republicans in the Senate to vote for this legislation. This is an honest way to try to achieve a compromise that will allow us to cover these 10 million children.

Now, take this seriously. One of my colleagues said, well, this is Never, Neverland. This isn't Never, Neverland. We've had discussions with the Republicans. We've talked to you. Give us those votes so we can cover the kids.

Mr. DEAL of Georgia. Madam Speaker, I understand why my colleague from New Jersey might like the bill, because his State, that's at 350 percent of poverty, gets grandfathered in and gives special treatment over the majority of States in this country.

Madam Speaker, I'm pleased to yield 1 minute to a member of the Energy and Commerce Committee, Mr. SHADEGG from Arizona.

Mr. SHADEGG. Madam Speaker, I thank the gentleman for yielding.

It really is a sad day here in the United States Congress. This is an effort in pure politics. If this was an honest effort at compromise, how come nobody ever sat down with the President? How come nobody ever sat down with our leaders?

The gentleman just said that they tried to address the issues. Everybody here on the floor knows they didn't address the issues.

Adults remain covered under this legislation, though Republicans said adults shouldn't be covered in the child health care program.

And crowd-out, the issue of people losing their private health insurance, causing the private health insurance to go up in cost, was not addressed. The CBO, a nonpartisan body, says 2 million people will lose their private coverage by crowd-out under this legislation.

The sad thing is, this is pure politics, and it was demonstrated the day that the override attempt failed. Because, on that day, the Republicans had an opportunity to celebrate, having sustained the President's position. But we weren't proud of that moment or of that day because we'd like to deal with the Nation's problems.

You know who applauded on that day? Democrats applauded when the override failed. Why? For political gain, not because they care about insurance or kids or kids' health, but because they want political gain. That's sad; this is a sad day for this Congress.

Mr. RANGEL. Madam Speaker, it is my pleasure to yield 1 minute to Mr. LEWIS, an outstanding member of the committee, the conscience of the House of Representatives from the sovereign State of Georgia.

Mr. LEWIS of Georgia. Madam Speaker, I want to thank my friend, my colleague, my chairman for yielding.

Madam Speaker, I rise today in the spirit of bipartisanship to thank all of our colleagues, both Democrats and Republicans, for working together to bring forth this important piece of legislation.

Now is the time, not tomorrow or next week, now is the time to reauthorize and expand SCHIP, because there's nothing, but nothing, more important than the health of our little children. All of our children, all of the poor children are in the same boat, whether black or white, Hispanic, Asian American or Native American. They need health care to grow strong and survive.

We, in Congress, have the best possible health care, and now is the time to deliver that same promise of health to our Nation's children. Suffer the little children. Suffer the little children, all of the children.

The time is always right to do right. We must pass the bill today for the children of America.

Mr. MCCRERY. Madam Speaker, it is a pleasure to at this time yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Madam Speaker, I voted to create the children's health care program, and I believe in it. But let's be honest. These changes are more cosmetic than Dr. 90210. This bill still isn't paid for. It still doesn't cover poor kids first, and it still allows abuses like subsidizing adults to continue.

And what's especially sad is that today, while the California tragedy unfolds, most Americans see homes in flames, lives lost, and families huddling in football stadiums as their life's possessions go up in flames, the Washington Democrats see political opportunity.

While dedicated California lawmakers rush home to their communities, Democrats rush their bill to the floor.

It seems like none of us in Congress, either party, ought to look like vultures circling above the burned out homes of California families gleefully eyeing a cynical chance to try to pass their partisan legislation.

This proves what we said all along. This isn't about the children. It's about defeating George Bush. Some hate him so badly they will sacrifice whatever morals and integrity to win at all costs.

Democrats promised to change Washington, but it's business as usual up here; and it's the children who lose.

As parents we teach our kids to sit down and work out their differences, that fighting doesn't accomplish anything, that big boys and girls find a way to work together. When this political trick fails, and it will, why don't we apply the same lessons up here and work together to find a reasonable, fiscally responsible way to help cover our kids who need our help?

Mr. DINGELL. Madam Speaker, at this time, I yield 1 minute to the distinguished gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Speaker, I thank my Chair of the Energy and Commerce Committee.

The legislation before us today is not about politics. It's about providing children's health care coverage to 10 million low-income American children.

This bill is paid for. It's paid for more than the $190 billion the President's asking for a supplemental to support the war in Iraq and Afghanistan. This is for the ten million children and parents who are hardworking Americans but cannot afford private health insurance.

The bill is clear on undocumented children. No Federal funding will be spent on undocumented immigrants.

The bill is clear on childless adults. For 1 year they get coverage, and these adults actually got a waiver, these States got a waiver to cover these adults. So they're going to have 1 year, and then they're off of it.

The bill is clear on family income. Only the lowest-income children are covered with a prohibition on coverage of children above 300 percent. You can't go above 300 percent. Most are at 200 percent, but some are at 300.

Madam Speaker, 4 months of spending in Iraq is enough to provide SCHIP to 10 million children for 5 years. More than 80 percent of the American people support it, and I urge my colleagues to support it.

We've prioritized it to the low-income.

We've prioritized it to citizens.

We've prioritized children.

It's about priorities, not politics, and the Congress should be able to put aside politics and unite behind these priorities for our children.

Mr. DEAL of Georgia. Madam Speaker, I am pleased to yield 2½ minutes to another member of the Energy and Commerce Committee, Mr. BURGESS from Texas.

□ 1500

Mr. BURGESS. I appreciate the gentleman yielding.

Madam Speaker, I wonder if I might ask if I could engage the highly regarded chairman of the Energy and Commerce Committee for purposes of a colloquy.

Mr. DINGELL. I would be happy to oblige my good friend.

Mr. BURGESS. I thank the chairman.

As the chairman knows we, of course, worked on this together last night on the Rules Committee until late into the night, so I know the chairman and I are both a little under the weather today.

Mr. Chairman, under the changes that have been made in regards to the income disregards in the bill, could a State in its current practice still allow a family to exclude from income $500 a year for child care expenses?

Mr. DINGELL. The answer to the question is yes.

Mr. BURGESS. I thank the chairman.

Could a State allow a family to exclude from income $20,000 a year for housing expenses?

Mr. DINGELL. That would be a matter to be determined by the State in which the transaction and the events occurred.

Mr. BURGESS. I am not a lawyer, but if I were a lawyer and ask for a ''yes'' or ''no'' answer, I would assume that's a yes.

Mr. DINGELL. Well, it's a ''yes'' if the State so decides. It's a ''no'' if they decide not.

Mr. BURGESS. Further, then, if the Chair will indulge me, could a State allow for a family to exclude from income $10,000 per year for transportation expenses?

Mr. DINGELL. Again, the response is that that is up to the State, and there is nothing in the legislation to preclude that.

Mr. BURGESS. So the answer would be a ''yes'' if to transportation expenses.

If the chairman would, then, could a State allow a family to exclude from

income $10,000 a year for clothing expenses?

Mr. DINGELL. Again, the answer is if that is so determined by the States, the answer is yes.

Mr. BURGESS. So State income disregards, now, are up to $40,500, if I am doing my math correctly? Or if I could then just ask one last question, several people have alluded on this floor today that 6.6 million children will lose their health insurance if the House does not act.

Mr. Chairman, you know and I know that this Congress, this Speaker, is not so insensitive as to allow this health insurance to expire for these children. We will do an extension. We will do what is required to continue to allow coverage for the children until Congress passes the bill; is that not correct?

Mr. DINGELL. Well, I would certainly hope so, but I can't guarantee.

Mr. BURGESS. Again, reclaiming my time, I cannot think that any Speaker of the House would be so insensitive as to allow this program to expire.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. LEWIS) will control the time for the gentleman from New York (Mr. RANGEL).

Mr. LEWIS of Georgia. Madam Speaker, I am pleased to yield 1 minute to a member of the Ways and Means Committee, the gentlewoman from the State of Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. There is a piece of poetry that starts like this, ''I'd rather see a sermon than to hear one any day, I'd rather one should walk with me than just to show the way.

''The eye is a better pupil and more willing than the ear; Advice may be misleading, but examples are always clear. And the very best of teachers are the ones who live their creeds.''

It goes on to talk about how you can deliver lectures, but I would rather get a lesson by observing what you do.

I am saying to my colleagues, Democrat and Republican, the children of America are listening to us gibe at one another about whether they deserve health care. They deserve health care, and we could give it to them today.

They deserve health care because many of them are spending so many hours in an emergency room, costly, many of them are spending times at home when they could be educated. Many parents are not at work because they are staying home with their children. Health care should be a right in America, and our children are saying they would rather see a sermon than to hear one. They want us to walk and give them health care and stop talking about it.

Mr. MCCRERY. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Ways and Means Committee.

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

As we look at this bill, which we received this morning, it still has the same policy, just a little different cosmetics. I don't think our constituents want us to vote for a bill that makes it easier for illegal immigrants to get tax-paid health care. This bill does that.

I don't think our constituents want us to vote for a bill where we spend our constituents's tax dollars to pay for insurance that people already have. This bill does that.

I don't think our constituents want us to vote to create a new middle-class entitlement. This does that.

This bill also is only one-half paid for. That's right, they only pay for half of this law, and they have an enormous budget gimmick that when you add it all together doubles the cost of this bill.

So if the goal here is ultimately to get universal health care so that everybody has insurance, which I think most of us all share, this is not the pathway to do it.

If you take a look at what it costs to fund 3.9 million people who are uninsured, that leaves us another 43 million people uninsured. At the spend rate, at the cost of that, if we want to fund everybody, it's another $400 billion. That would add $8 trillion to the debt we have for our kids and our grandkids.

By doing it this way, by creating an enormous new entitlement, you are making matters worse for the baby boomers. You are making this enormous cliff we have of entitlement spending that much deeper.

Madam Speaker, there is a better way to getting universal access to affordable health insurance. This is not the way. We believe in patient-centered health care, not government-centered health care. We don't think bureaucrats should be running health care, whether they are an insurance bureaucrat or a government bureaucrat.

We think patients and their doctors should be running and making health care decisions. Unfortunately, this bill does not do that. This bill puts the government squarely in the middle and says if you want health care, you got to get it from the government. That's not what we believe in. That's not what we should be doing. That's why we should be voting against this bill.

Mr. DINGELL. Madam Speaker, I submit for the RECORD the disregards for children's coverage that have been submitted to us by the Congressional Research Service.

The point here is that the money needs to continue to flow to working families so that we can keep them working rather than staying on welfare.

Within the Medicaid and SCHIP programs, states are permitted to disregard or not count certain types of amounts of family income as decided by the State in determining eligibility for the program.

This bill maintains this long-standing flexibility to allow States to disregard certain legitimate costs like child care and child support costs, recognizing that this income is not available for a family to spend on health coverage.

Allowing States to disregard these costs ensures that working families have the money they need to pay for work-related expenses to ensure that low-income families can keep their jobs. This is important to keep families from having to go on welfare to get health coverage for their children.

The following are the monthly disregards applied by States in 2006.

The state of Alabama disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Alaska disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Arizona disregards $90 of earnings, $200 or $175 of childcare expenses, and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Arkansas disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $50 of child support received for a family in its ARKids B Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of California disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Colorado disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards all childcare and medical expenses, including health insurance premiums paid in the last 90 days for a family in its SCHIP program when determining eligibility for an individual in SCHIP. Note: Child support received is not counted as income in SCHIP.

The state of Connecticut disregards $90 of earnings, $200 or $175 of childcare expenses and $100 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Delaware disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support

received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The District of Columbia disregards Under poverty-level, the full amount of child care expenses may be disregarded for families under the federal poverty level, and disregards $100 in earnings and the full amount of child care expenses for those under the SCHIP-funded expansion when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Florida disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards either Medicaid disregards or gross income (whichever is more beneficial to the family) when determining eligibility for an individual in SCHIP.

The state of Georgia disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Hawaii disregards $90 of earnings for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Idaho does not disregard income for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Illinois disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Indiana disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Iowa disregards 20 percent of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards 20 percent of earnings and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Kansas has a standard disregard of $200 per worker in its Medicaid program when determining eligibility for an individual for Medicaid. It has a standard disregard of $200 per worker in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Kentucky disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Louisiana disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Maine disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid. There is an income exclusion of $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Maryland disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the actual amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the actual amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Massachusetts does not disregard income when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Michigan disregards $90 of earnings, a standard $200 of childcare expenses, $50 of child support received, the full amount of child support paid and a $60 deduction for legal guardians (if a guardianship arrangement is in place) for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, a standard $200 of childcare expenses, $50 of child support received, the full amount of child support paid and a $60 deduction for legal guardians (if a guardianship arrangement is in place) for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Minnesota disregards $90 of work expenses, $200/$175 for childcare and child support paid for its Medical Assistance for children ages 2–19. MinnesotaCare (waiver coverage) is based on gross family income. A gross income test is used for SCHIP-funded Medicaid for infants, with some protections so that no child could be adversely affected by the gross income test. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Mississippi disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Missouri disregards $90 of earnings and $200 or $175 of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. Its Medicaid expansion program is based on gross income. It does not disregard when determining eligibility for an individual in SCHIP.

The state of Montana disregards $120 of work expenses and up to $200 of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $120 of work expenses and up to $200 of childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Nebraska disregards $100 of earnings plus all childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Nevada disregards 20 percent or $90 of earnings (whichever is greater) and the full amount of childcare expenses for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New Hampshire disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of New Jersey disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New Mexico disregards income based on a child's age for its Medicaid program when determining eligibility for an individual for Medicaid: children age six and older get $90 of earnings, $175 of childcare expenses and $50 of child support received. Children under age six get earnings disregard of $750 per assistance unit, $375 or actual child care expenses and $50 of child support received. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of New York disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of North Carolina disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of North Dakota disregards $90 of actual work expenses (in the form of payroll taxes) or $30 work training expenses, all reasonable childcare expenses, $50 of child support received and the full amount of child support paid, and premiums paid for other health insurance for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of actual work expenses (in the form of payroll taxes), all reasonable childcare expenses, and the full amount child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Ohio disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility

for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Oklahoma disregards $120 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Oregon does not disregard income when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Pennsylvania disregards $120 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $120 of earnings and $200 or $175 of childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Rhode Island disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of South Carolina disregards $100 of earnings, up to $200 for actual childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of South Dakota disregards 20 percent of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards all childcare expenses ($500 family maximum), $50 of child support received and the full amount of child support paid for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Tennessee disregards $50 of child support received for a family in its ''regular'' Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings, $20 of unearned income, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid expansion program when determining eligibility for an individual for Medicaid. It does not disregard income for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Texas disregards $120 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Utah disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income for a family in its SCHIP program when determining eligibility for an individual in SCHIP. No income of a child under the age of 19 is considered unless they are a head of household.

The state of Vermont disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. The state also disregards earned income of anyone under 18 and earned income of anyone under 22 who is a full-time student when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP, except for earned income of anyone under 18 and earned income of anyone under 22 who is a full-time student when determining eligibility for an individual for SCHIP.

The state of Virginia disregards $90 of earnings, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Washington disregards $90 of earnings, all reasonable work-related childcare expenses and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of earnings and all reasonable work-related childcare expenses for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of West Virginia disregards $90 of work expenses, $200 or $175 of childcare expenses and $50 of child support received for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It disregards $90 of work expenses, $200 or $175 of childcare expenses and $50 of child support received for a family in its SCHIP program when determining eligibility for an individual in SCHIP.

The state of Wisconsin disregards $90 of earnings, $200 or $175 of childcare expenses, $50 of child support received and the full amount of child support paid for a family in its Medicaid program when determining eligibility for an individual for Medicaid. It does not disregard income when determining eligibility for an individual in SCHIP.

The state of Wyoming disregards income based on marital status for a family in its Medicaid program when determining eligibility for an individual for Medicaid. Married couples automatically get a standard $400 deduction. If not married and both parents are working they get the $400 deduction. If unmarried with one parent working, there is $200 deduction. There is also a $50 deduction for child support received. It does not disregard income when determining eligibility for an individual in SCHIP.

Madam Speaker, I yield to the distinguished gentlewoman from Oregon (Ms. HOOLEY) for 1 minute.

Ms. HOOLEY. I thank my good friend from Michigan for yielding.

Madam Speaker, this vote today is about what kind of a country are we. This vote today is about what our priorities are. This vote today is about what our values are. Just the interest rate on funds to pay for the Iraq war are $25 billion a year; yet our President believes that spending $12 billion a year on children's health care is too much. I strongly reject the argument that we are spending too much on our children. Our children deserve better. Our children deserve a healthy start.

I have heard over and over from my constituents about the vital importance of the State Children's Health Insurance Program. Nearly 60,000 children in Oregon currently receive health care through SCHIP, and the legislation before the House today will provide for an additional 36,000 children. I know hardworking parents who can't afford health insurance for their children. They don't know what to do. How am I going to cover my kids?

Thankfully, today, we are taking strong action to ensure that thousands of fewer working families in Oregon will have to endure the agony of having a sick child for whom they cannot afford medical care.

I urge my colleagues to vote for this bill.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. BARTON) reclaims control of the time.

There was no objection.

Mr. BARTON of Texas. Madam Speaker, could I ask the amount of time remaining on all sides.

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes. The gentleman from Michigan has 6 minutes. The gentleman from Georgia has 8 minutes. The gentleman from Louisiana has 8 minutes.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I ask unanimous consent that Mrs. JONES control the time until Mr. RANGEL returns.

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

There was no objection.

Mrs. JONES of Ohio. Madam Speaker, I yield 1 minute to my colleague and good friend from the Ways and Means Committee, ALLYSON SCHWARTZ, from the great State of Pennsylvania.

Ms. SCHWARTZ. Madam Speaker, the American people are clear, they want this Congress and the President to ensure that America's children have access to health coverage. American parents on behalf of the children who get health care coverage under the CHIP program are clear: CHIP is working. Health care under CHIP is affordable and is accessible.

We have compromised, but we are determined. We are determined to continue and to extend CHIP for America's children, 10 million American children of working families. This bill before us is reasonable, it is smart, and it is responsible. A majority of Congress agrees; yet the President and some in Congress are still unsure.

The choice is clear: Vote for health care for America's children or stand in the way. The American people are watching, they are waiting, and maybe, most importantly, they are hoping we will do the right thing and 10 million American children will have access to health coverage.

Let's make it happen. It's time to make this vote work. Today is the day for a majority of Republicans to join us.

Mr. MCCRERY. Madam Speaker, I request unanimous consent to allow Mr. CAMP of Michigan, ranking member of the Health Subcommittee of the Ways and Means Committee, to allocate the remainder of my time.

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

There was no objection.

Mr. CAMP of Michigan. Madam Speaker, I yield 1½ minutes to the gentleman from Louisiana.

Mr. BOUSTANY. I thank my colleague for yielding time.

Madam Speaker, our Democratic friends claim that they won't consider covering anything less than 10 million children, and yet the Congressional Budget Office shows that their own bill falls short yet again. It also fails to give real priority to poor children. It imposes billions of dollars in new taxes on poor families, and we know that this tax revenue stream won't even cover the expense of the bill in the outyears, and it causes millions to lose private coverage.

Finally, despite warnings from GAO, it also ignores provider access, something that's critical for our children in the SCHIP programs throughout the country. I know in my State of Louisiana we have a serious access problem, despite the fact that we have 106,000 children in the State covered by SCHIP, 6,000 who should be on it not covered, and yet all of them have significant access problems.

I ask the question, why did our Democratic friends block debate on any amendments that would have addressed these and other concerns? We really shouldn't be playing political games with this. We shouldn't be playing games with children's medical care.

I urge my colleagues to oppose this bill, and let's work together in good faith to improve coverage and access for children.

Mr. DINGELL. Madam Speaker, I yield to a Member for whom I have great personal affection and respect, Mr. ANDREWS of New Jersey, for 1 minute.

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

Mr. ANDREWS. I thank my dear friend for yielding.

Madam Speaker, why would someone not vote for health insurance for 10 million American children? There is the excuse that the bill covers illegal aliens.

Read section 605 of the bill; it doesn't. There is the excuse that it covers adults, not children. Read section 112 of the bill, which is called termination of coverage of nonpregnant childless adults. There is the excuse that it covers a lot of wealthy kids, but there is the fact that 91.3 percent of the children covered come from families that make less than $40,000 a year, and the rest live in States that are very, very expensive to live in, like mine in New Jersey.

Then there is the excuse that, well, it's bad for the budget somehow, unlike the $109 billion they want to send to Iraq. But the Congressional Budget Office, the nonpartisan Congressional Budget Office says that over 10 years this bill saves $200 million for the Federal Treasury.

Ladies and gentlemen, no more excuses, vote ''yes''.

Mr. BARTON of Texas. Madam Speaker, I yield myself 1½ minutes.

I want to talk about enforcement of this 300 percent above the poverty line. The people that wrote the bill claimed that we have got this hard cap above 300 percent in terms of family income.

But if you look on page 76 of the bill, the first part of it, starting with line 5, says, ''no payment shall be made under this section for any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line.''

That sounds okay, but then here is the gotcha, beginning on line 13, ''but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.''

So you leave it up to the States to say you can't have an income level over 300 percent, but you can deduct $20,000 for a housing allowance or you can deduct $15,000 for shelter or whatever.

□ 1515

So what you've got here is the classic bait and switch. I would say that the majority has listened to some of the concerns of the minority, but you're not really ready to address them substantively. You put the right verbiage in the first paragraph and then you take it away in the second. At some point in time we need to sit down together and really work these things out to make sure that you not only have the verbiage, you also have the enforcement. Now when that day comes, we will have a bipartisan bill. But that day is not today.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure to yield 1 minute to one of our new Members from the great State of Florida, Mr. TIM MAHONEY.

Mr. MAHONEY of Florida. Madam Speaker, as a father, it is unfathomable to me why the President chose to deny health care coverage to children. It's incomprehensible to me that some of my colleagues would play politics with a child's health.

I always tell my daughter that in life you don't get do-overs. Well, apparently here in Congress you do.

The President and my colleagues across the aisle have the opportunity that is very rare, and that is to have a second chance to do it right.

Last week I met with pediatricians at a hospital in Port St. Lucie where doctors painted a stark picture of the challenges faced by children without insurance.

I then went across the street to a daycare center and visited children who rely on Florida's CHIP program, KidCare, for the health care needs, kids like 4-year-old Samantha, and 2-year-old Hannah, 4-year-old Rafael and 2-year-old Julian.

The President opposes SCHIP because he thinks that children from working families that go to work, pay their taxes but can't afford health insurance shouldn't go to the doctor. He says it's too many kids and too expensive, even though the bill is paid for without putting our country further into debt.

Madam Speaker, I would ask the President, which child would you deny health care coverage to, Julian or Hannah? Which child is one too many?

Mr. CAMP of Michigan. Mr. Speaker, at this time I yield 1½ minutes 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. Madam Speaker, I want to say to my friend from Michigan, the chairman of the committee, that he says that this bill is coming to the floor today because all of the concerns in a letter that were about this bill have been addressed.

Well, as a physician and a coauthor of that letter, I respectfully disagree. The letter said that SCHIP ought to be reserved for low-income kids first. In fact, what this bill does is provide incentives to ensure higher-income kids before poor kids.

The letter said that SCHIP ought to be for children only. In fact, CBO estimates that over 700,000 adults will be on the program in 2012, not in 1 year, in 2012.

The letter said that SCHIP ought to cover low-income American children. In fact, the bill weakens both Medicaid and SCHIP citizenship verification, and all with a huge tax increase.

Madam Speaker, Members ought to know that there's an alternative. There are multiple alternatives. One of them is H.R. 3888. It would provide insurance for the same number of kids. It would not move any kids from private personal insurance to government-run insurance. It would make certain that personal choices were respected, and it would not increase taxes.

So why proceed today? Why is the majority party proceeding today? Because it's all about politics. In fact, they've already had their cronies purchase TV and radio ads in the districts of folks that they believe aren't going to support this for political gain. It's all about politics. Not about policy and it certainly isn't about the kids.

As a physician, there's a specific diagnosis for that. It's called ''a crying shame.''

Mr. DINGELL. Madam Speaker, it's a privilege for me to yield at this time 1 minute to a very valuable Member of this body, our friend and colleague, Mr. ALTMIRE of Pennsylvania.

Mr. ALTMIRE. Madam Speaker, I want to thank my colleagues on the other side for their weeks of expressing to us what their concerns were about the SCHIP bills that we've passed. And I'm happy to say that we've heard

those concerns, and in this bill that we're voting on today we address those concerns.

They were concerned, as am I, about coverage for illegal immigrants. And this bill expressly prohibits coverage of illegal immigrants.

They were concerned about the coverage of adults, including adults who are currently covered in the SCHIP program. This bill eliminates coverage for those adults and all childless adults.

And they were concerned about income levels. They wanted to keep this program for low-income children, and this bill today caps at 300 percent of poverty the qualification level for families to get into the SCHIP program. So there should be no reason for any of my colleagues on the other side to vote against this bill.

Let's vote to ensure 10 million children receive the health care that they deserve.

Mr. BARTON of Texas. Madam Speaker, I'd like to yield 2 minutes to the distinguished policy chairman of the Republican Conference, Congressman MCCOTTER.

Mr. MCCOTTER. Madam Speaker, as a husband, as a father, as a former child, I respect very much what we are endeavoring to accomplish today. But we always have to remember that it is not simply enough to do the right thing; we must do the right thing the right way. And again, that is the purpose of this debate.

Much of what we hear outside of these walls tends to mute the serious discussion that we have. I know that following this debate there will be those ads or others that will say that Republicans do not like kids. I assure you, Republicans like kids, and not just medium rare with a side of fries. We do care about the future of children. But it is the comprehensive holistic approach to the care of children which we discuss too little in this body.

It is my belief that what we should have done, to truly put poor kids first, was that from the first moments of the first 100 hours this should have been the first bill we could have done. Instead, other bills were passed and billions were spent.

We have seen appropriation bills come through this Chamber repeatedly where billions are spent, and there was no talk of putting kids first and helping poor kids have health insurance.

And now today we reach the point where the only way we can help poor children is to raise taxes on the American people. This is not a prioritization of children and their health care.

I am prepared to accept the majority when they say that they have, the second time around is the charm and they have fixed access of illegals to this program. I am prepared to be concerned about poor kids and kids who are in the margins. But I do ask them to reconsider raising taxes, because we do not want to see one day where our children grow up to be the healthiest people in the unemployment line.

Mrs. JONES of Ohio. I reserve the balance of my time.

Mr. CAMP of Michigan. Madam Speaker, at this time I yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, here we are again. It seems to be just the same act in the same play, the same time.

Why are we having this vote today? I really don't know. Many of our Members believe it's because the TV ads, the radio ads have already been bought in their districts, and if they didn't have this vote today somehow that money might be wasted. I don't know that I believe that.

Many of our Members believe we're having the vote on a day when seven Republicans from California can't be here to make our ''no'' votes on this bill appear to be less than they really are. In fact, I asked that this bill not be voted on today for that reason.

What I wonder is why we weren't allowed to see the bill. If this bill is such a great bill, if this bill solved these problems, what would have been the harm of seeing the bill? In fact, a lot of the debate today would have been a different debate if the bill would have been laid down last night and we'd have had the vote next Wednesday or next Thursday.

This idea that somehow we have to get it done before November 16 because that's the day that this extension ends doesn't make any sense to anybody. We're going to be here well beyond that.

Once again we go through this process where we're told we've checked the boxes, but then when you look at where the boxes have been checked, they really don't do the job.

We ought to get to poor kids first. When we get to kids at 300 percent of the level of poverty, that's 54 percent of all the families in America would have their kids have insurance through the government.

I've talked to several people in my district that say, I don't mind helping poor kids, but I'm really offended when I'm helping kids whose families make more than I do. I'm really offended as someone who has raised their family when I'm paying taxes to provide insurance for families who make $20,000 more than I do.

And the Congressional Budget Office believes that the verification standards aren't right yet. I think this is a step in that direction.

Let's get this bill right. Let's see the bill. Let's vote ''no'' today and get to work on a serious proposal.

Mr. DINGELL. Madam Speaker, at this time I reserve.

Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, we're not having a debate today on whether or not to reauthorize SCHIP. What we're really having a debate about is a tale of two SCHIPs, because it was 10 years ago that Republicans created SCHIP to provide health insurance benefits to uninsured low-income American children. And every Republican stands ready today to reauthorize that program and fund that program.

But yet, again, Democrats are coming with their tale of SCHIP, an SCHIP that instead is transforming this program to give additional benefits to adults before children, illegal immigrants before Americans, the insured before the uninsured, and, finally, the higher-income before lower-income.

These are the facts. The program was designed for those up to 200 percent of the Federal poverty level. The Democrats will increase it explicitly up to 300 percent; but with all their loopholes, even wealthier families will qualify, shortchanging low-income, uninsured American children to subsidize higher-income families.

Although the program was designed for children, 13 States insure adults. Three cover more adults than children. Democrats continue this practice, shortchanging low-income, uninsured American children in order to subsidize adults.

Although the program was designed for the Americans, the Democrats still strip out proof of citizenship measures. Democrats shortchange low-income, uninsured American children in order to subsidize illegal immigrants.

Although the program was designed to help the uninsured, CBO reports that the plan will, in effect, take 2 million off of private health insurance. Democrats shortchange low-income, uninsured American children in order to subsidize the already insured.

Let's put the children first and the politics second. Let's reject this bill, and let's reauthorize the real SCHIP program for our children.

Mrs. JONES of Ohio. Madam Speaker, we continue to reserve our time.

Mr. CAMP of Michigan. Madam Speaker, at this time I yield myself 2 minutes.

This bill, both in terms of its scope, expanding a low-income children's program to cover adults and middle-class families, and cost, $35 billion in new taxes and spending, remains unacceptable. And it's truly unfortunate.

This House, this Congress, and this President support SCHIP. The failure to form a bipartisan compromise to provide low-income American children with health insurance is nothing short of a failure of the majority's leadership. The minor changes, tinkering, clarifications we see today do not a compromise make.

Compromise, by definition, is a settlement of differences in which each side makes concessions. The previous bill doubled the cost of this program, and this bill costs a half billion more beyond that than the last one. The majority has not made one concession in this cosmetic re-draft. It's the same

bill with the same objections, and we should not compromise our principles to satisfy their political aims.

What we have before us is a bill that continues to allow Federal resources, 10 percent or more, to be diverted away from low-income children and given to adults, a bill that provides a back door to illegal immigrants to get Federal benefits to the tune of $3.7 billion, and a bill that continues to force at least 2 million families out of their current plan and into a government program.

□ 1530

While Southern California has burned, the Speaker has this House fiddling and posturing. Worse yet, the majority is manipulating that tragedy and is tying this vote to ensure our votes are reduced. It's as crass a tactic as I have seen in my time in Congress.

It is past time for the game to end, and it is past time for the majority to engage in a serious negotiation with us on how to renew and improve this program.

I urge my colleagues to again vote ''no'' and again send a message that low-income children's health insurance is not an issue to be politicized. We can do better than this.

Madam Speaker, I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I yield 1 minute to the very distinguished gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Speaker, I want to thank the gentleman for yielding this time to me and also thank him for his leadership as the chairman of the Energy and Commerce Committee.

I also want to thank the Democratic leadership for bringing this bold and visionary legislation to the House floor today. I also want to thank my Republican friends who are willing to vote with us on this important measure.

Madam Speaker, I represent the 15th poorest district in the United States of America. Thirty percent of the children in my congressional district live below the poverty level. So this is not an academic discussion; that is real serious business for the people of my district in North Carolina.

So I ask my friends and colleagues today to listen to this debate. Don't let it just go over your head. But if you would please listen to this debate, listen to the plea of the children of America, and please consider voting for this very important legislation. The children of my district, the children of America need you.

Mr. BARTON of Texas. Madam Speaker, I think I only have 2 minutes left.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is correct.

Mr. BARTON of Texas. I reserve that time.

Mrs. JONES of Ohio. Madam Speaker, I yield myself such time as I may consume. I wish to submit a letter from the Congressional Budget Office, dated October 25, 2007, to Speaker PELOSI. And it specifically says under current law individuals who apply for Medicaid and claim to be U.S. citizens are required to provide certain documents, passport or birth certificate, in order to receive any such health care.

''Section 211 would allow States the option to either use the requirements created in the DRA for citizenship documentation under Medicaid or instead verify an individual's name and Social Security number with the Social Security Administration. Some States have reported a drop in enrollment since implementation of the DRA because some Medicaid applicants have had difficulty satisfying the documentation requirement. Available evidence, based on State reports and other information provided by State officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.''

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., October 25, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC, October 25, 2007.

DEAR MADAM SPEAKER: As you requested, I am providing additional information on CBO's estimate of the budgetary impact of section 211 of H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, as introduced on October 24, 2007.

Under current law, individuals who apply for Medicaid and claim to be U.S. citizens are required to provide certain documents (such as a passport or birth certificate, and, in certain circumstances, a driver's license or other documentation that establishes identity) to demonstrate that they are citizens. That provision was enacted in the Deficit Reduction Act of 2005 (DRA, Public Law 109–171), and has been effective since July 1, 2006. (Before the DRA provision took effect, those individuals were permitted to attest to their citizenship, under penalty of perjury.)

Section 211 would allow states the option to either use the requirements created in the DRA for citizenship documentation under Medicaid or instead verify an individual's name and Social Security number with the Social Security Administration. Some states have reported a drop in enrollment since implementation of the DRA because some Medicaid applicants have had difficulty satisfying the documentation requirement. Available evidence, based on state reports and other information provided by state officials, suggests that virtually all of those who have been unable to provide the required documentation are U.S. citizens.

Under H.R. 3963, CBO expects that most states would use the option to rely on the Social Security Administration to verify eligibility. CBO estimates that change would result in an additional 500,000 enrollees in Medicaid in fiscal year 2008 and an additional 200,000 enrollees in subsequent years.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matt Kapuscinski and Eric Rollins.

Sincerely,

PETER R. ORSZAG,
Director.

Madam Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. I reserve the balance of my time.

Mr. DINGELL. Madam Speaker, at this time I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, may I inquire as to the order of close.

The SPEAKER pro tempore. The Chair will recognize Members for closing speeches in reverse order of opening: Mr. CAMP, Mrs. TUBBS JONES, Mr. BARTON and Mr. DINGELL.

Mr. CAMP of Michigan. At this time I ask unanimous consent to have the gentleman from Texas (Mr. BARTON) control the remainder of my time.

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

There was no objection.

Mrs. JONES of Ohio. Madam Speaker, at this time I seek unanimous consent to have the gentleman from California (Mr. STARK), the Chair of the Health Subcommittee of the Ways and Means Committee, manage the balance of the time on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mr. STARK. Madam Speaker, at this time I am honored to yield 3 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Madam Speaker, I got to be a father late in life so that now I have got an 11-year-old and a 14-year-old at home.

And last winter I had a real long, miserable, anxious weekend, one that any parent probably has experienced. I had a sick kid and I didn't know what to do. A fever higher than I was comfortable with. The disposition of my little fellow, very different than usual. And in the end, we sought some medical care.

I have spent a lot of time thinking about that weekend as we have thought about this SCHIP because there are families with sick young'uns and they don't know what to do, but they cannot afford medical care. They don't have coverage. They don't have Medicaid for the poorest of the poor. But by virtue of working in a place that doesn't provide employer-provided health insurance, by virtue of earning an income that doesn't let them afford it, they're uncovered.

What do you do? The cost of one trip to an emergency room is a month's rent. What do you do? You pray and you hope that the little one gets better. And, fortunately, they often do. But, tragically, they sometimes don't. So when that long-delayed trip to the doctor or the hospital occurs, we have got a runaway health issue that the parent has had to sit and watch develop, all the while trying to figure out how to handle this situation.

We can make this problem go away for 10 million children by moving this legislation forward. To me, this isn't a Democrat, this isn't a Republican matter. This is a matter of basic morality. Are we going to help families get access to medical care by getting insurance coverage for their kids so they don't have to pick between bankruptcy

and trying to address their kids' medical problem in a more timely way? It's as simple as that.

Gosh, the rhetoric has gotten so heated, this and that, one charge or another. But what we have tried to do is take many of the issues that were offered in support of sustaining the veto of the President stopping this insurance coverage for children from taking place. We tried to address it in this bill.

They said families earning $83,000 can get this kind of coverage. It wasn't true, but we have taken steps in this bill to make absolutely certain it couldn't happen under any circumstances.

They said parents are getting coverage. Well, there are a few isolated examples of where grandfathered programs allowed that, but we have phased that out.

We have listened and we have responded, and it's time for this side to take ''yes'' for an answer because there is something that has got to rise above the daily squabbling in this place, and that is responding to the needs of families to get their kids the health care they need. Vote ''yes'' on this bill.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2 minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I'm reminded of a homeowner who is getting ready to sell their home. It's a little older shop and it's shopworn and has not seen its best day. So they have a building inspector come out to inspect the home before they put it up for market. And the inspector gives the report, and the inspector says, ''You've got some major termite damage in the walls, and I think you need to really rebuild the walls.''

And the homeowner says, ''We'll paint over it.''

He says, ''Your plumbing is all rusted out. I think you really need to replace the plumbing.''

And the homeowner says, ''We'll paint over it.''

Then he says, ''I think your insulation and your electrical system's very frayed and you need to replace it.''

And the homeowner says, ''Well, we'll paint over it.''

What we have here today is basically the same bill that we had last week where we sustained the President's veto. Our friends on the majority side of the aisle have just painted over it.

Now, they are saying the right rhetorical things. They're saying that nobody above 300 percent of poverty is going to get a benefit, but they then disregard the enforcement mechanisms that would enforce that.

They say in section 605 that no illegal alien is going to get a benefit, but then they change the enforcement mechanisms so that if somebody has a Social Security card and a name to it, that's all they have to do to prove citizenship, and the Social Security Administration, rightfully so, says that is really not a proof of citizenship if you are able to get a Social Security card.

And they claim that they're going to take the adults off the program within a year, but according to the CBO, at least a half million adults are still going to be on the program in 5 years.

So it's the same bill with a little bit different paint. In Texas we have a saying, ''You can put lipstick on a pig, but it's still a pig.''

This bill is a pig. It may be a good pig. It may be a nice pig. It may be intended to be the right kind of pig. But it's still a pig.

Vote ''no'' on the bill.

Mr. DINGELL. Madam Speaker, at this time I yield 2 minutes to the distinguished gentleman from New Jersey, the chairman of the Subcommittee on Health, my friend (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I continue to be upset by the Republican characterizations of this bill as a ''pig'' or the effort to trivialize what we do here today. I think it's very unfortunate we have gotten to that point.

There have been a lot of distortions on the other side from the Republicans. But the one that I have to correct today is the continued mention of the fact that this bill is not going to cover 10 million children or that somehow the CBO has said it's not 10 million but it's 7.4 million.

What they have neglected to point out is that the difference are the kids that we are going to enroll under Medicaid, and CBO has emphasized that over and over again. There are 7.4 million covered by SCHIP, but the addition up to the 10 is essentially covered by Medicaid. And those are the lowest income kids of all. This bill does the best job of making sure that those low-income children who are eligible for Medicaid and not enrolled would, in fact, get insurance.

The Republicans continue to forget and eliminate the fact that this bill also addresses the Medicaid program. There are a lot of kids at the very lowest end, less than 100 percent of poverty, who are not enrolled in Medicaid because there hasn't been the proper outreach to get them enrolled. So what we are doing here is providing for that outreach.

So don't tell me we're not covering 10 million children. We are. And the ones you are not mentioning are the lowest income of all.

And then I heard my colleagues talk about the illegal aliens again. Once again, we have put in provisions here that you have to verify whether it's through the Social Security Administration or it's through documentation. Now, there is probably some person to come and misrepresent who they are. But the fact of the matter is that the CBO says in that letter that was introduced by the gentlewoman from Ohio into the RECORD that virtually no one that's on this program is an illegal alien.

The fact of the matter is that the Republicans continue these distortions. There are no illegal aliens. There are 10 million children covered.

□ 1545

Mr. BARTON of Texas. Madam Speaker, to close the debate on the minority side, I'm very pleased to yield 1 minute to the distinguished minority leader from the great State of Ohio (Mr. BOEHNER).

Mr. BOEHNER. I want to thank my colleague for yielding.

Madam Speaker and my colleagues, if you feel as though we've been here before, it's because we have.

Last week, we had a vote to override the President's veto. The votes were here to sustain the President's veto. I said during that debate that Republicans and Democrats had created this program together; Republicans and Democrats want to reauthorize this program together. The issues that separate us are not that great; we can sit down and resolve those issues. That has not happened.

As has been pointed out during this debate today, there are differences. There were some attempts to address those differences; but by and large most of them, as my colleague from Texas pointed out, were just painted over, little tweaks with words here and little tweaks with words there. And you've already heard about the deficiencies in this bill.

But that's not why I rise. Why I rise is because this doesn't have to be this way. There is no reason why we, on both sides of the aisle, can't come together and resolve the few differences we have in this bill that are well known now.

This bill is not being brought up today in a rush, delivered by 7:30 last night, a 293-page bill with all kinds of changes in it. We're not debating this bill today to pass it. We're debating this bill again today to play another political game. You know it; I know it. I sat with the majority leader yesterday, along with the minority whip, to say, Mr. Majority Leader, we can resolve these differences. We can fix this and we can reauthorize this program. We were turned down.

The chairman of the Democrat Caucus stopped my staffer and said, We don't care whether you'll give us the votes to pass this or not because if you don't, we'll just pull this bill and we'll wrap it around your necks in the next election. Political games, political games, political games. Exactly what the American public are sick of, and you all know it. Everyone knows this is nothing more than a political game, trying to score political points, getting ready for the next legislation. I thought the American people sent us here to deal with their problems. I think they sent us here to work together to deal with their problems in a way that we can be proud of.

Nothing has happened this year in this Congress. You think about it. Step back over the course of this year, nothing has happened yet. And let me tell

you, we've got another 14 months left in this Congress and nothing is going to happen. Why? Because all the majority wants to do is play political games and not reach across the aisle and get things done.

My promised accomplishments over the 17 years that I've been here, three big legislative projects that I've worked on, were all done in a bipartisan manner. Members from both sides of the aisle that played a significant role in coming together, dealing with issues like education reform, dealing with issues like financial services modernization, dealing with issues like the Pension Protection Act that we did last year, we did it together.

And when you think about the little bit of differences in this bill, you begin to wonder once again why Congress' approval rating is at a dismal 10 or 15 percent. Why? Because people are tired of watching this process not work.

This bill is not going to become law. The votes are there to sustain the President's veto; the President has made it clear he is going to veto it. How long are we going to play the games before we get serious about resolving our differences?

This is a sad day. And I think a lot of my friends on both sides of the aisle realize this is a sad day when we can't come together and deal with the issues the American people want us to deal with and deal with them like adults, adults that are willing to sit down and work together and to resolve those differences.

So I say to my colleagues, even those of my colleagues who voted for this, if you're tired of the political games, if you're tired of Congress' approval rating being at these ridiculous levels, let's all just vote ''no.'' Let's vote ''no'' and stop this bill. And then we can sit down and resolve the differences we have, and we can do it in a bipartisan manner and show the American people that we can, in fact, work together on their behalf.

Mr. RANGEL. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Illinois, an outstanding member of the Ways and Means Committee, Mr. RAHM EMANUEL.

Mr. EMANUEL. Madam Speaker, I helped negotiate the original SCHIP when I worked for President Clinton. It was President Clinton who proposed the SCHIP bill, not the Republicans; in fact, they opposed it. Then they agreed, after the Balanced Budget Agreement, that we would have pediatric care, eye and dental; but it was President Clinton that demanded it and made it a precondition before any agreement on the Balanced Budget Agreement.

Now, I believe the sincerity that my colleagues support this, and I believe the sincerity of what they said in their letter, which is why we answered every one of those questions, both the sincerity in supporting it, and the sincerity of those remarks. At some point, you have to understand that you can take yes for an answer, and that is, we have provided that answer.

Second is, Dolores Sweeney lives in my district. She works for an insurance company. Dolores Sweeney has three kids. Her insurance company does not provide her or her kids health care. She does right by her kids; she earns a paycheck, not a welfare check. If her kids got sick, she would go to Medicaid and go to welfare, but she's doing right by her children because she's working and teaching them right from wrong. Her kids are in SCHIP. And without this program, her kids will live one illness away from Medicaid. Medicaid is for them, for the poor. SCHIP is for parents who work full time earning a paycheck, not a welfare check. They're doing right by their children.

Now, I believe in the sincerity of your position, which is why we answered that in the last two weeks. This vote is to say whether 10 million children will get the health care they deserve, whose parents work full-time. These are parents who are doing right.

Now, the President at one time referred to SCHIP, the Children's Health Insurance Program, as excessive spending; yet this week he submitted a request for $200 billion more for Iraq. These kids are our future. Iraq is stealing our future from America.

Mr. DINGELL. Madam Speaker, I yield to my distinguished friend, the majority leader, the balance of my time for purposes of closing.

Mr. HOYER. I thank my friend for yielding.

This is a good day. This is a good day because we have another opportunity to extend to children, 4 million of whom are not covered by health insurance, coverage.

I don't know how many families that is, but it's obviously millions of families who will have the confidence that if their child gets sick, they will have insurance. They can access health care. They can try to make their children well.

I want to refer briefly to my friend Mr. BOEHNER's comments because I agree with him that the American public expected us to come here and work together. But let us review this legislative process.

First of all, we had committee hearings. I want to tell my friend from Texas, those committee hearings were difficult. We didn't really get to the committee hearings and committee markups that we wanted to have. I think that's unfortunate. That was not our fault, I suggest to you.

Secondly, let me say that we passed a major bill through this House, approximately $90 billion. It dealt with a number of subjects, including doctor reimbursements so that they would continue to serve those who are poor under Medicaid and, indeed, under Medicare, so the reimbursement levels under Medicare would be appropriate.

We dealt with rural hospitals so that they would be reimbursed at levels that allowed them to continue to serve our rural communities. We dealt with some other issues. And, yes, we dealt with children's health insurance.

That bill went to the Senate. And there were a lot of Members of your party who didn't like the expansive bill. But before it got there, you offered a motion to recommit on our bill. You cut our spending cuts, you did not agree with those, but you adopted the revenues from the tax increase in cigarettes in your motion to recommit. Most of you, perhaps not all, but most of you voted for that motion to recommit. So this funding source is one that we have agreed to and everybody has voted for.

When it got to the Senate, we made a tremendous compromise. And we went from a $90 billion bill covering rural hospitals and doctors' reimbursement and poor people who would have been marginalized, perhaps, by the cuts to Medicare Advantage. And we made a compromise, mainly with Republicans in the Senate who felt that they wanted a more restricted bill. So that bill that is confronting us now is now a $35 billion bill, a very substantial compromise, I will suggest to you.

That bill then passed the Senate, went to the President, he vetoed it, it came back here, and you made a determination, some of you, not to vote to override the President's veto. So those 4 million children don't yet have a health insurance bill.

Then 38 of you wrote to the Speaker and said that you wanted to see certain changes. We addressed that. We addressed it very substantively, we addressed it very carefully, and we addressed it in a bipartisan way. And because this bill has to go through the Senate, we then engaged Senator HATCH and Senator GRASSLEY so that it would not be simply Democrats saying, well, we'll take this and not that. And it was a very considered judgment applied, and almost all of the points raised in that letter were addressed.

Now, I had the opportunity this morning to meet with, not all 38, but the majority of those 38. Obviously they were correct that there was not more time to discuss this. I think that was a fair analysis. But the fact of the matter is that careful attention and compromise was taken.

Mr. BOEHNER is correct, I met with Mr. BOEHNER and Mr. BLUNT. We have a good relationship; we have the ability to talk. But I will tell you that one of the indications I had was that those changes would not affect at least one of those votes because, philosophically, that leader is not for this bill. I understand that, that's a fair position to take. We're for this bill. We want to see this bill go forward.

But I will say to my friends on this side of the aisle, on the Republican side of the aisle, I want to continue to work with those who really want to see, as that letter of 38 said, reauthorization effected because that's what we want to see. And we will continue to work

with you. This bill will go to the Senate; it will be considered there in the Senate.

We have significant, concrete changes to the legislation vetoed by President Bush, changes that are designed to address the concerns expressed by the President and by a number of Republican Members. We listened carefully to the criticisms of the vetoed bill. We reviewed the letter, as I've said, that the 38 Republicans sent to the President, as well as other letters that were distributed. I misspoke, I said it was sent to the Speaker. I observe only that apparently you wanted to negotiate with the President.

We also worked closely with Senators GRASSLEY and HATCH, who met extensively with House Republicans. The bottom line is this: we have taken a bipartisan compromise that was strongly supported by the American people and by the overwhelming Members of both Houses of the Congress of the United States and worked to make it an even stronger bipartisan compromise.

Specifically, this legislation clarifies that it targets low-income children. That was one of the concerns. The compromises we have reached in the legislative language appended to the legislation today do, in fact, accomplish that objective. Prohibiting CHIP coverage above 300 percent of the Federal poverty level that the President talked a lot about, talked about the 83,000, we have prevented that. We said that is not going to happen.

□ 1600

It clarifies that illegal immigrants are not eligible for coverage under CHIP. I have not reviewed the prescription drug bill that you passed, but the legislation, I think, in this bill is stronger on that issue.

It clarifies that this bill is focused on children. That was a legitimate objection raised on your side of the aisle. We took that into consideration because we believed it was something we should respond to because that was our intent, to focus on children. As a result, we have phased out coverage for childless adults over 1 year, not 2. Some said that this is just tweaking. To have the time of phaseout, it seems to me, is a very significant change.

And, it clarifies that this bill seeks to minimize the number of children moving from private insurance to CHIP, ''crowd-out,'' requiring all States to develop plans and implement recommended best practices for minimizing so-called ''crowd-out.''

We think we tried to respond, and we did respond, we believe, to the concerns you raised. These are significant, concrete changes, changes that neither affect nor undermine our principal objective and commitment: to ensure that 10 million American children from low-income working families who are eligible for coverage under CHIP guidelines today can participate in this successful program.

I, again, remind my colleagues that this indeed was the stated objective of the President of the United States, when, at the Republican National Convention in 2004, he promised, in seeking reelection by the American public, he promised this: ''In a new term, we will lead an aggressive effort to enroll millions,'' with an S, ''millions of children who are eligible but not signed up for government health insurance programs.'' He went on to say this: ''We will not allow a lack of attention, or information, to stand between these children and the health care they need.''

Unfortunately, what stands between the children and the health care they need is the President's veto. We continue to try to achieve the President's expressed objective. I urge my colleagues, I urge my colleagues on both sides of the aisle. Mr. BOEHNER is correct. This is not a partisan issue. There is not a Member on your side of the aisle that doesn't care about our children. There is not a Member on our side of the aisle that doesn't care about our children. We have an opportunity to add 4 million children to the health coverage of our country, just as the President said he wanted to do.

I urge you to stand with the bipartisan majorities in Congress, including 45 House Republicans and 18 Senate Republicans who voted for the first CHIP bill. This bill, in some ways, in my opinion, is a better bill for the suggestions made from your side of the aisle.

Stand with the States' Governors, the American Medical Association, the Association of Health Insurance Plans, the pharmaceutical companies, nurses, children's advocates and others who support this bill. Stand with the American people, 81 percent of whom support this legislation. Stand with the 10 million American children who will receive the health coverage they need and deserve under this legislation.

This bipartisan compromise addresses your concerns.

Let us give ''yes'' for an answer to America's children. Vote for this bill. It is good for America. It is good for our children.

Ms. KILPATRICK. Madam Speaker, today, Congress, once again, wrote a prescription to the President for American children and their families that needs to be filled immediately. I am proud of the fact that Congress has sent to the Senate, and will soon send to the President, an insurance remedy for so many working families. I strongly support H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, the modified bill to reauthorize and expand the State Children's Health Insurance Program or SCHIP. Working with the Minority, we were able to quickly craft a bill that addresses the concerns of most, if not all, Members of Congress.

In the wealthiest country in the world, far too many children are without health insurance. We can afford to spend $10 billion per month in a war in Iraq, but we cannot spend $35 billion over 5 years to protect our children? We cannot support those working families who cannot afford or do not have access to affordable health insurance? Over 81 percent of Americans, when asked this very question, agree with the Democratic Party that we need to take care of our children, and we need to take care of them now. Since the inception of SCHIP, the number of uninsured children has been reduced by one third. However, millions of children still remain uninsured or underinsured.

The revised bill before Congress today still would expand SCHIP to cover 10 million children and increase spending on the program to $35 billion over 5 years, funded with a 61 cent per pack increase in the federal cigarette tax. The bill would limit coverage to children in families with annual incomes below 300 percent of the federal poverty level, and performance bonuses would be offered to states that enroll greater numbers of children in Medicaid. The bill also would offer performance bonuses to states that provide subsidies to employed parents to offset the cost of enrolling their children in a private health insurance plan.

Passing this legislation should be a bipartisan issue. SCHIP was created to address the growing problem of children in the United States without health insurance. SCHIP assists children whose family's income falls above the threshold for Medicaid, but who still cannot afford to purchase medical insurance coverage. More than two thirds of the children who will be covered under this bill are ethnic minorities.

A lack of medical insurance not only harms children, but their families and the community as a whole. Reauthorizing this bill is so important because children without health insurance do not receive regular checkups and doctor visits that every child needs. May I remind my colleagues that less than 10 miles from where we vote, a little boy died from the lack of getting a simple dental examination. Furthermore, millions of children won't get the preventive care they need and will likely receive care in emergency rooms if this bill is not reauthorized. This only drives up the cost of medical care for everyone.

SCHIP gives working families the peace of mind that their children will have accessible and affordable health care. Healthy children do not get unnecessary diseases and go to school ready to learn. Healthy children become healthy teenagers, who ultimately will become healthy adults. Although children are about 30 percent of our population, they are 100 percent of our future. This $35 billion is a wise investment in the future of America.

In the Bible, in the chapter of Isaiah, it says that ''the wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion and the fatted domestic animal together; and a little child shall lead them.'' Today, Congress worked together to stand up for the children of our Nation. The President, and Congress, ignored the wisdom in protecting our children one time too many; it is now time to erase that mistake. We have that opportunity now.

SCHIP is a smart investment in our Nation's children and working families. Congress has changed the course of the discussion of health care for our children and working families; we have confronted the crises of the lack of health insurance; we will continue the legacy of caring for some of the least of our brothers and sisters. I look forward to quick passage of this bill in the Senate, and the President's enacting this bill into law. Our children deserve no less.

Mr. SALI. Madam Speaker, for the third time this Congress, the House of Representatives

is again addressing the reauthorization of the State Children's Health Insurance Program, or SCHIP. For the third time, this House is considering a bill that would move millions of children away from private health insurance into government-run health care, substantially raise taxes, and dramatically increase federal spending.

Recently the President vetoed an SCHIP bill precisely because of these concerns. Yet here we are today with a bill that is remarkably similar. I am afraid that this Congress is not serious in addressing America's health care challenges, particularly health care for America's children. The majority purports that this bill is "for the children." That phrase—"for the children"—is used like a club by our friends across the aisle whenever they want to pass bad bills. If we really care about children, we won't pass legislation that takes a giant step toward government-run health care.

That said, Madam Speaker, I am interested in more than this bill's title or good intentions. The success or failure of all legislation must be judged not by its intentions, but how it will affect real people, real families.

Madam Speaker, this bill is not the right policy for our children. Government health care is the most expensive and least efficient health care you can get. And that's exactly what this bill will produce. The Congressional Budget Office states that 2 million people actually will lose their private health insurance coverage and become enrolled in a government-run program.

This bill explodes funding for SCHIP above current law by $35.4 billion over 5 years and $71.5 billion over 10 years. The majority claims to fund this by raising taxes on tobacco products, yet the irony is that 22 million more smokers will be needed in just the next 5 years to fund the SCHIP bill we're considering.

Let me get this straight: We want healthy children and cancerous adults. I'm pretty new here in Congress, but even for a new kid on the Congressional block that doesn't seem to add up.

This bill is not about poor children. The bill defines the poverty level to qualify for SCHIP at 300 percent, which is around $62,000 for a family of four. That's $16,000 more than the median income in my home state.

Additionally, loopholes will allow states to define this poverty level and employ "income disregards," thereby allowing families with even higher incomes to qualify for this expensive program.

Ostensibly "for the children," this bill actually would increase the number of adults on SCHIP. The CBO projects that over 700,000 adults may be enrolled in SCHIP in FY2012. Shouldn't we be working to move people off of government health care and into private-sector care that works much better? We say we're for personal responsibility, free markets and red tape, yet this bill would create dependency, bigger government and more bureaucracy.

Finally, this bill substantially weakens the citizenship requirements to qualify for SCHIP, inviting fraud and abuse of this program by illegal aliens. The CBO projects that this fiscal disaster could cost the taxpayer around $3.7 billion in increased federal spending over the next 10 years.

This bill also changes the period of time a state has to spend its SCHIP allotment from 3 years to 2 years. This will significantly increase the strain on state budgets.

This proposal is not about good intentions, soothing sentiments, or warm feelings. It's about real people, real taxpayers, and real, quality, affordable and accessible health care. It fails miserably in every category.

I urge my colleagues to vote "no" on this fatally flawed bill.

Mr. CONYERS. Madam Speaker, today the House votes yet again on legislation that never should have been a subject of controversy: a bill that provides health care for our Nation's children. When we debated overriding the President's veto of the original SCHIP bill last week, most House Republicans offered excuses for denying children health care based on a series of misrepresentations and distortions of the facts. Today the bill's opponents have no more excuses to hide behind. We have consulted with Republicans who want to support this bill and have amended it to address their concerns. It should now be clear to all that the real reason some continue to oppose SCHIP is because they oppose universal health care for all Americans.

Republicans voting no on last week's veto override offered four reasons for their unwillingness to support health coverage for America's children. These concerns had, in fact, already been addressed in the original bill, but now we have dealt with them even more explicitly.

Republicans argued that the bill did not focus enough on covering poor children. I find this particular objection rather ironic, since the same Republicans who used this argument rarely support legislation designed to help the poor. But, it is not surprising that they would use disingenuous tactics to block health care for children. For them, anything goes when it comes to stopping Americans from getting the radical idea that the government should guarantee this basic human right. This revised bill addresses those arguments by mandating that SCHIP eligibility will be capped at families earning 300 percent of the federal poverty level, around $60,000 for a family of four, and by offering bonus payments to States for enrolling the lowest income children into Medicaid.

Opponents of health care for children contended that the original bill provided coverage to illegal immigrants. In reality, this bill denied coverage to all immigrants, even legal ones, explicitly stating that illegal immigrants were ineligible. But these facts did not hinder the Republicans from making their false claim. We have now clarified our intent that illegal immigrants will not be covered by requiring that applicants for SCHIP provide their Social Security number, which must be verified by the Social Security Administration.

Republicans opposed the original bill because it allowed States to use the funding to cover adults. For them, a person's right to health care ends at age 18. I would disagree, but in any case this bill now phases out any adults covered under SCHIP over a 1-year period, instead of the 2-year period under the original bill.

Finally, further changes have been made to clarify that this legislation is designed to minimize children moving from private insurance to SCHIP, also known as "crowd-out." I am a critic of private health insurance, with its costly and unnecessary administrative, waste, advertising and profits, but this bill should allay any concern that a government health plan, with its much lower overhead costs and more comprehensive coverage, would diminish the role of private insurance companies. We will actually allow States to subsidize people to buy private coverage under this bill to prevent them from moving to government coverage.

The President and his supporters are now left with only one argument for opposing this bill: that it costs too much. The original House-passed version authorized an additional $50 billion for SCHIP over 5 years; our compromise with the Senate brought the total down to $35 billion. This additional funding will ensure that SCHIP will cover 10 million children who otherwise would not have access to health care. The President began this debate by offering to add only $5 billion, which would have resulted in 800,000 children currently covered by SCHIP losing their coverage. He is now saying that he's willing to go to up to $20 billion, but no more. I would like the President to explain to the American people how he can afford $12 billion for a single month in Iraq but can't seem to find $35 billion over 5 years to give our children health care. Supporters of the contention that we can't afford this bill either care more about war than children, or are simply not serious.

Now that the Republicans' stated reasons for opposing this legislation have been addressed, one wonders what is actually motivating those who will continue to vote no. I believe that the President and his supporters continue to oppose this legislation because they are afraid. They are afraid of SCHIP because it demonstrates that health care guaranteed by the government is workable, it is affordable, and it is popular. They worry that if SCHIP is expanded, even more Americans will begin to demand that the government guarantee health care to all our citizens, not just to poor children. After all, every other industrialized nation does so, while spending less than we do and while achieving better health outcomes for its citizens. These Republicans apparently intend to use every means at their disposal to ensure that health care in this country remains a privilege for those who can afford it, rather than a right guaranteed to all.

Madam Speaker, today's vote raises a moral question. Simply put: will we, as a nation, take responsibility for ensuring that our children have the health care they need? Any other issue raised in this debate, particularly given the revisions to the bill, is an obfuscation meant to hide the fact that the party claiming the mantle of "family values" is in fact unwilling to back that slogan with substance. There is only one vote today that truly supports America's families. It is a vote in favor of this legislation.

Mrs. CHRISTENSEN. Madam Speaker, I rise in strong support of the bill to continue and expand the Children's Health Insurance Program that is on the floor today and to urge every member of this body to vote for it.

Certainly there is no better investment that we can make than in our children, and this bill does so by ensuring that an additional almost 4 million children will have access to comprehensive health care—care that includes dental care and other important services.

And while many of us would have wished to cover every single child who currently lives without health insurance without regard to legality of their presence in this country, we are happy that at least all who are legally here have the opportunity for coverage. I am also disappointed that the Territories will not get full

state-like treatment, but there are improvements for us as well.

This is a big step forward for our country, which continues to lag behind every other industrialized country in the quality of its people's health.

And every penny that is spent on increasing access to care when needed, on providing preventive care and early care will save this country many more billions, and has the potential to help reduce health care costs and save Medicare into the future.

Madam Speaker, as we move to keep our promise to America's children, I only hope that we can continue on this road to invest in the health and health care of minority and rural populations. I only hope that we stand together to close the gaps in our health care system and reduce the racial and ethnic, as well as geographic and gender differences in health status because certainly providing preventive, early and culturally competent care to these will pay further dividends, further reduce the cost of health care and make this a better and stronger country.

I urge all of my colleagues to vote in favor of our Nation's children's health and health care; I urge my colleagues to vote in favor of expanding and strengthening the Children's Health Insurance Program. Today is the day for us to stop talking about doing better; today is the day to actually start doing better, and, the children shall lead the way.

Ms. ESHOO. Madam Speaker, I rise in strong support of this children's health insurance bill, and I'm proud to be a cosponsor of it.

This bill is the result of a great deal of work to meet concerns of colleagues in the minority. We want them to join us in voting for it in order to override a presidential veto and finally enroll 10 million children in the State Children's Health Insurance Program.

The bill makes it legislatively clear that no adults will be covered—only children are.

The bill makes it legislatively clear that noncitizens will not be covered.

The bill makes it legislatively clear that only low-income children will be covered.

The bill makes it legislatively clear that no one earning $83,000 a year will receive coverage under this bill.

While we've addressed every significant objection to this bill, we have not compromised on the number of children covered. Our goal has been to cover ten million low-income, uninsured children and we do.

Virtually everyone with a stake in public health and healthcare is calling for this bill to be passed. There are 270 groups supporting this bill: 43 Republican and Democratic governors; the American Medical Association; AARP; America's Health Insurance Plans (AHIP); the Healthcare Leadership Council; and Catholic Charities, among others.

This is an extraordinary investment in our children and our collective future. I urge every Member of the House to vote for it, and when we do it, it will be a major victory for the little ones in our country.

Mr. HINOJOSA. Madam Speaker, I rise today in strong support of the reauthorization of the State Children Health Insurance Program. In the decade since its enactment, the SCHIP block grant program has exceeded expectations by providing quality health care to millions of American children.

In my state of Texas, over 20 percent of all children—that's approximately 1.4 million kids—are not covered by health insurance today. This means that 1.4 million young Texans have no access to adequate medical care and are not receiving the preventive or primary care they need to lead productive lives. This is a moral travesty and an unacceptable failure of our Nation's leadership.

The SCHIP program invests in our children and our future. Without adequate health care, our efforts to improve our educational and child care systems are less effective. Should our children not begin their lives in good health, they will surely be hampered by increasing medical problems as they reach adulthood.

The President has already demonstrated his unwillingness to make this commitment to America's children once. No one should withhold healthcare from children in order to score cheap political points or to make divisive partisan attacks. I urge my colleagues in Congress and President Bush to join together in support of American families and children by voting for the reauthorization of SCHIP.

Mr. ORTIZ. Madam Speaker, this is the second time in so many weeks we are standing up for America's children. After the President vetoed the State Children's Health Insurance bill, he has still not seen the light . . . but he has felt the heat.

Since that veto, and a flurry of negotiations to tweak the bill to engage the President to sign it, the American people have spoken out with gusto: they believe this is a commonsense bill that will serve our children.

And so this bill is before us again.

I urge Members of the House and the President to stand this time with working families and children . . . not with insurance companies. The President's veto cut off health care for over 120,000 kids in Texas.

Congress created SCHIP in 1997 with broad bipartisan support. This year, 6 million children have health care because of SCHIP. The program has worked well in Texas. This has been an excellent investment for our nation, given that health care costs without insurance would be much more expensive.

The President highlighted his support for SCHIP while running for re-election in 2004. Today we are giving him—and those who stood with him in sustaining his veto—one more chance to do the right thing for America's children.

This children's healthcare program was never intended to replace Medicaid. It only covers the children of parents who earn too much to qualify for Medicaid, but earn too little to purchase private health insurance. For the President to continue to misrepresent this fact shows a tremendous lack of sensitivity for working Americans who often take on two jobs to simply feed and clothe their children.

It is these families who need to know we are on their side, and I urge the President this time around to join us in taking care of ''the least of these.''

I urge my colleagues to support this bill. We are the last hope of children and families all over this country.

Mr. UDALL of Colorado. Madam Speaker, I rise in strong support of this bill.

Dr. Martin Luther King, Jr. said ''of all the forms of inequality, injustice in health care is the most shocking and inhumane.'' H.R. 3963 does not end health care inequality, but it would PROVIDE continued coverage for children not covered by Medicaid, whose parents cannot afford to buy insurance and whose employers do not provide it.

These children—currently 6 million of them—are now eligible for coverage under the Children's Health Insurance Program (CHIP)—but that program is set to expire and the President should have accepted this compromise legislation. Because the President would not accept the bi-partisan compromise bill we passed earlier, these six million children will go without health insurance unless Congress acts.

This legislation would assure continued coverage for those now enrolled and would ALSO provide coverage for an additional four million children who currently qualify, but who are not yet enrolled under CHIP.

The past concerns raised against SCHIP reauthorization by some have been addressed. The language concerning coverage levels and citizenship have been clarified and strengthened to remove any doubt that illegal immigrants are not covered under SCHIP.

The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives States the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

Earlier this year, I voted for the ''CHAMP'' bill to extend CHIP. The House of Representatives passed that bill, and I had hoped the Senate would follow suit. It would have increased funding for the CHIP program to $50 million, instead of the lesser amount provided by this bill. The CHAMP bill would have also addressed major health care issues, first by protecting traditional Medicare and second by addressing the catastrophic 10 percent payment cuts to physicians who serve Medicare patients.

However, in a compromise with the Senate, Congress did not send the CHAMP bill to the president. Instead, we passed a more limited, bipartisan compromise. Regrettably, the president chose to veto it and his veto was sustained.

So here we are again, the bill in front of us today deserves our strong support. It will pay for continued CHIP coverage by raising the federal tax by $0.61 per pack of cigarettes and similar amounts on other tobacco products. According to the American Cancer society, this means that youth smoking will be reduced by seven percent while overall smoking will be reduced by four percent, with the potential that 900,000 lives will be saved.

H.R. 3963 has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, Healthcare Leadership Council, National Associations of Children's Hospitals, American Nurses Association, U.S. Conference of Mayors, NAACP, American Cancer Society Cancer Action Network, and United Way of America.

It is imperative that we pass this legislation in order to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children. I hope that we have the opportunity to take up the other important Medicare issues addressed in the CHAMP bill soon.

Mr. STEARNS. Madam Speaker, today we will again vote on a Government-run health insurance program for children: one that only a handful of people in the Democrat leadership have crafted, and one which only a handful of

people received before it was introduced under the cover of night. The Democrat leadership, in the 110th Congress, has continually attempted to ram through legislation that has completely ignored the legislative process, and time after time nothing has been accomplished. This behavior is why this Democrat-led Congress has an abysmal 11 percent approval rate.

The facts provided by the Congressional Budget Office, CBO, state that the bill before us today will provide free Government-run health care to a family, including adults, earning more than $60,000 a year. This bill will also increase taxes on tobacco, the revenue of which will not be set aside for this program, but rather will be put into the Treasury for general use. In addition, this bill allows over 10 percent of the funds allotted to provide health care for low-income children to be used by adults, therefore limiting the amount of money available for needy children. Finally, this legislation fails to ensure that illegal aliens, both children and adults, will not take money away from low-income American children. CBO estimates that under current documentation requirements, 3.7 billion taxpayer dollars will be spent on providing health care to people who have broken our laws and come to our country illegally.

The flaws in this legislation are evident and, in my opinion, correctable. Yet, the Democrat leadership refuses to allow this bill to go through the legislative process, a process that has worked in this Chamber for centuries. It is my hope that the Democrat leadership will release their grip on power and allow the legislative process to create a true bipartisan bill so that our Nation's low-income children may receive quality, efficient, and responsible health care.

Mr. MCGOVERN. Madam Speaker, I rise in strong support of the Children's Health Insurance Program Reauthorization Act. I thank and commend the distinguished Chair of the Energy and Commerce Committee, Mr. DINGELL, and the chair of the Ways and Means Committee, Mr. RANGEL, as well as the subcommittee chairs, Mr. PALLONE and Mr. STARK, for their hard work and dedication in bringing this bill to the floor today. I also want to commend the Speaker of the House, NANCY PELOSI, for her dedication to the children of America and her steadfast support for a strong, inclusive S–CHIP bill.

The issue before us is simple. Either you believe that 10 million low-income kids deserve health care or you don't.

I know the President and some of my Republican colleagues don't want to have this debate. They don't want another vote on the S–CHIP bill. They want this issue to just go away.

Well, I have some news.

This isn't going away. We're going to keep fighting until 10 million kids get the health care they so desperately need.

It is astounding to me—it literally takes my breath away—to watch President Bush fight to deny health care to children. It is shameful.

From day one, President Bush and the Republican leadership in the House trashed Democratic proposals to insure children who—at no fault of their own—are falling through the cracks of the health care system.

It's clear that America's health care system is broken. Too many are uninsured. Too many rely on emergency rooms for their health care. And, at the same time, health care costs continue to rise—making it harder for businesses to provide their workers with the health care they need and making it too expensive for individual families to buy on their own. And God forbid if you have a pre-existing condition—you can forget it.

All of us here in Congress have world-class health care, and so do our kids. Maybe the problem is that not enough members of Congress understand what it's like to struggle, to spend sleepless nights worrying about a sick child, wondering how you're going to pay for their doctor's visits.

Today, the Democratic majority—with the help of some brave Republican Members—will once again approve an S–CHIP bill that provides health care to 10 million children.

This is what we were sent to Congress to do.

The only logical conclusion we can take from President Bush's veto, from the partisan political attacks on a 12-year-old boy and his family, and from the continued stonewalling of this bill, is that the majority of Republicans don't want to provide health care to children.

It's that simple. Republican leaders tried to block this bill in the Energy and Commerce Committee. Then they stretched the truth about who would be covered.

Let's be honest here—the House and the Senate will approve this bill and President Bush—the former compassionate conservative candidate—will veto it. The question is, how many Republicans will continue to vote to deny health care to 10 million children and how many will—for the well-being of these children—decide to stop playing politics and vote to override the veto?

Madam Speaker, House Democrats have come more than halfway. This bill doesn't go as far as I would like, but it's a good, bipartisan effort. It addresses the issues raised by some on the other side of the aisle. The bill President Bush vetoed never provided health care to illegal immigrants—despite the incorrect claims coming from the other side. This bill makes that even clearer. The bill President Bush vetoed never provided health care to families making $83,000 a year and neither does this bill. The bill President Bush vetoed took 2 years to phase out adults currently on the S–CHIP program and this bill speeds that timeline up to 1 year.

Let me be clear—under this bill, families who can afford health care will not be eligible for S–CHIP. Under this bill, illegal immigrants will not be eligible for S-CHIP. Under this bill, adults will not be eligible for S–CHIP.

But 10 million American children who don't have health care will get the help they so desperately need. The time has come for the members of this body to make a choice—will they stand with the children of America, or will they stand with President Bush?

I know where I stand, Madam Speaker.

It's time to stop playing games with the lives of children. It's time to pass this bill.

Mr. MORAN of Virginia. Madam Speaker, I rise today in strong support of the Children's Health Insurance Program Reauthorization Act of 2007. Truly, we face a health care crisis in this country—in the richest country on Earth, 46 million Americans do not have health insurance, including 9 million children. Today's bipartisan, bicameral compromise is not a perfect solution to that problem but is a decisive, strong step towards covering uninsured kids and fulfilling our moral obligation to our children.

In my home state of Virginia, the CHIP program currently provides coverage to 137,642 low-income children each year; 171,642 children in Virginia remain uninsured, and the CHIP Reauthorization Act will help us cover 74,200 of these children. The CHIP Reauthorization Act will ensure that these children have access to high quality health care, including the preventative services that children need to be healthy and successful in school and later in life. This bill will provide dental and mental health benefits on par with medical and surgical services—truly ensuring that the whole child's health is provided for.

The CHIP Reauthorization Act does this without increasing the deficit, by increasing the Federal excise tax on cigarettes. In my view as chairman of the Congressional Prevention Caucus, an increase in the Federal tobacco tax is sound public health policy. It provides a reliable revenue source to offset the costs of expanding coverage to low-income children and it will reduce health care costs in this country by reducing the prevalence of chronic disease.

This bill also addresses a serious problem arising from the implementation of the Deficit Reduction Act of 2005. Opponents of this responsible, common-sense, humane adjustment claim that language in the 2005 Deficit Reduction Act, DRA, that imposed harsher citizenship verification requirements on state Medicaid programs, is the only barrier protecting taxpayer dollars from being spent on healthcare for illegal immigrants. Madam Speaker, nothing could be further from the truth.

First and foremost, existing Federal law and provisions in the CHIP Reauthorization Act prevent Federal funds from being spent to provide benefits for illegal immigrants. Section 605 specifically states that "nothing in this act allows Federal payment for individuals who are not legal immigrants." Illegal immigrants have never been eligible for Medicaid, and nothing in the CHIP Reauthorization Act would change that fact.

Secondly, the DRA requirements have overwhelmingly failed to save taxpayer dollars. Instead, they have imposed substantial additional costs on taxpayers while reducing health care benefits available to poor children. Wait times have skyrocketed, and measures to streamline the application process have been rendered impossible.

Third, these draconian requirements, which are far stricter than those employed by other government programs, have caused tens of thousands of U.S. citizen children to lose health insurance coverage. In Virginia, there was a net decline of more than 11,000 children enrolled in Medicaid during the first 9 months of implementation. Kansas has seen a net decline of 14,000 children. The Virginia State Medicaid Office has identified a total of two undocumented immigrants during this period.

The debate about reauthorizing SCHIP should be about the public health and improving the health of our children. In a recent survey, 90 percent of parents applying for Medicaid for their children indicated that they have no other health coverage available. Allowing State flexibility in citizenship verification is sound public health policy that would enable thousands of American children access to vital

health services to help them live better, healthier, and more productive lives. Twenty-four Senators, twelve Governors, and fifty-one other House Members joined me in requesting that this important provision be included. I thank the Committees for including this provision, and for working with our Republican colleagues to improve the provision and ensure that SCHIP and Medicaid serve the low-income American children they were aimed at.

Reauthorizing SCHIP is sound public health policy—research shows that children who have access to health insurance are substantially more likely to access key preventative services, miss fewer days of school due to illness, get better grades, and continue to have superior outcomes later in life. Moreover, the financial benefits of covering children vastly outweigh the costs—one need only compare the cost of a visit to a primary care provider to the cost of a night spent in the emergency room to see this. But above all, covering all our children is a moral imperative—it is the only possible humane, responsible course of action. I urge a yes vote on the underlying bill, and furthermore, would urge the President, in the strongest possible terms, not to veto this vitally needed, responsible legislation to cover the most vulnerable members of our society: our children.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 774, the bill is considered read and the previous question is ordered.

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. BARTON OF TEXAS

Mr. BARTON of Texas. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barton of Texas moves to recommit the bill H.R. 3963 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Strike section 104 (relating to CHIP performance bonus payments) (page 28, line 1, through page 42, line 20).

After section 109 (page 51, after line 9), insert the following:

SEC. 110. REQUIRING OUTREACH AND COVERAGE BEFORE EXPANSION OF ELIGIBILITY.

(a) STATE PLAN REQUIRED TO SPECIFY HOW IT WILL ACHIEVE COVERAGE FOR 90 PERCENT OF TARGETED LOW-INCOME CHILDREN.—

(1) IN GENERAL.—Section 2102(a) (42 U.S.C. 1397bb(a)) is amended—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(8) how the eligibility and benefits provided for under the plan for each fiscal year (beginning with fiscal year 2009) will allow for the State's annual funding allotment to cover at least 90 percent of the eligible targeted low-income children in the State.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to State child health plans for fiscal years beginning with fiscal year 2009.

(b) LIMITATION ON PROGRAM EXPANSIONS UNTIL LOWEST INCOME ELIGIBLE INDIVIDUALS ENROLLED.—Section 2105(c) (42 U.S.C. 1397dd(c)), as amended in this Act, is amended by adding at the end the following new paragraph:

''(13) LIMITATION ON INCREASED COVERAGE OF HIGHER INCOME CHILDREN.—For child health assistance furnished in a fiscal year beginning with fiscal year 2008:

''(A) SPECIAL RULES FOR PAYMENT FOR CHILDREN WITH FAMILY INCOME ABOVE 200 PERCENT OF POVERTY LINE.—In the case of child health assistance for a targeted low-income child in a family the income of which exceeds 200 percent (but does not exceed 300 percent) of the poverty line applicable to a family of the size involved no payment shall be made under this section for such assistance unless the State demonstrates to the satisfaction of the Secretary that—

''(i) the State has met the 90 percent retrospective coverage test specified in subparagraph (B)(i) for the previous fiscal year; and

''(ii) the State will meet the 90 percent prospective coverage test specified in subparagraph (B)(ii) for the fiscal year.

''(B) 90 PERCENT COVERAGE TESTS.—

''(i) RETROSPECTIVE TEST.—The 90 percent retrospective coverage test specified in this clause is, for a State for a fiscal year, that on average during the fiscal year, the State has enrolled under this title or title XIX at least 90 percent of the individuals residing in the State who—

''(I) are children under 19 years of age (or are pregnant women) and are eligible for medical assistance under title XIX; or

''(II) are targeted low-income children whose family income does not exceed 200 percent of the poverty line and who are eligible for child health assistance under this title.

''(ii) PROSPECTIVE TEST.—The 90 percent prospective test specified in this clause is, for a State for a fiscal year, that on average during the fiscal year, the State will enroll under this title or title XIX at least 90 percent of the individuals residing in the State who—

''(I) are children under 19 years of age (or are pregnant women) and are eligible for medical assistance under title XIX; or

''(II) are targeted low-income children whose family income does not exceed such percent of the poverty line (in excess of 200 percent) as the State elects consistent with this paragraph and who are eligible for child health assistance under this title.

''(C) GRANDFATHER.—Subparagraphs (A) and (B) shall not apply to the provision of child health assistance—

''(i) to a targeted low-income child who is enrolled for child health assistance under this title as of September 30, 2007;

''(ii) to a pregnant woman who is enrolled for assistance under this title as of September 30, 2007, through the completion of the post-partum period following completion of her pregnancy; and

''(iii) for items and services furnished before October 1, 2008, to an individual who is not a targeted low-income child and who is enrolled for assistance under this title as of September 30, 2007.''.

(c) STANDARDIZATION OF INCOME DETERMINATIONS.—

(1) IN GENERAL.—Section 2110 (42 U.S.C. 1397jj) is amended by adding at the end the following new subsection:

''(d) STANDARDIZATION OF INCOME DETERMINATIONS.—In determining family income under this title (including in the case of a State child health plan that provides health benefits coverage in the manner described in section 2101(a)(2)), a State shall base such determination on gross income (including amounts that would be included in gross income if they were not exempt from income taxation).''.

(2) EFFECTIVE DATE.—the amendment made by paragraph (1) shall apply to determinations (and redeterminations) of income made on or after October 1, 2008.

Amend section 112 (page 59, line 13, through page 74, line 15) to read as follows:

SEC. 112. PHASE-OUT OF COVERAGE FOR NON-PREGNANT ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. PHASE-OUT OF COVERAGE FOR NON-PREGNANT ADULTS.

''(a) TERMINATION OF COVERAGE FOR NON-PREGNANT ADULTS.—

''(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant adult; and

''(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2008.—

''(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant adult under an applicable existing waiver after December 31, 2008.

''(B) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2008.

''(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT ADULTS.—

''(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, 2008, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

''(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2008, on the application of a

State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2008, the application shall be deemed approved.

''(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

''(i) in the case of 2009, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for 2008, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2009 over 2008, as most recently published by the Secretary; and

''(ii) in the case of any succeeding year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the year involved over the preceding year, as most recently published by the Secretary.

''(b) APPLICABLE EXISTING WAIVER.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

''(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

''(i) a parent of a targeted low-income child;

''(ii) a nonpregnant childless adult; or

''(iii) individuals described in both clauses (i) and (ii); and

''(B) was in effect on October 1, 2007.

''(2) DEFINITIONS.—The term 'nonpregnant adult' means any individual who is not a targeted low-income pregnant woman (as defined in section 2112(d)(2)) or a targeted low-income child.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(A) by striking '', the Secretary'' and inserting '':

''(1) The Secretary'';

(B) in the first sentence, by striking ''childless'';

(C) by striking the second sentence; and

(D) by adding at the end the following new paragraph:

''(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.''.

(2) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking ''Nothing'' and inserting ''Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing''.

In the paragraph (8)(A) added by section 114(a), strike (on page 76, line 12)''would exceed 300 percent of the poverty line'' and all that follows through ''type of expense or type of income'' (on line 16) and insert ''will exceed 300 percent of the poverty line.''.

Amend the paragraph (9)(B) added by section 116(e) (page 85, beginning on line 21) to read as follows:

''(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line.''.

Amend section 211 (page 130, line 9, through page 146, line 11) to read as follows:

SEC. 211. APPLICATION OF CITIZENSHIP DOCUMENTATION REQUIREMENTS.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397dd(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

''(10) APPLICATION OF CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), no payment may be made under this section to a State with respect to amounts expended for child health assistance for an individual who declares under section 1137(d)(1)(A) to be a citizen or national of the United States for purposes of establishing eligibility for benefits under this title, unless the requirement of section 1903(x) is met.

''(B) TREATMENT OF PREGNANT WOMEN.—For purposes of applying subparagraph (A) in the case of a pregnant woman who qualifies for child health assistance by virtue of the application of section 457.10 of title 42, Code of Federal Regulations, the requirement of such section shall be deemed to be satisfied by the presentation of documentation of personal identity described in section 274A(b)(1)(D) of the Immigration and Nationality Act or any other documentation of personal identity of such other type as the Secretary finds, by regulation, provides a reliable means of identification.''.

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to eligibility determinations and redeterminations made after March 31, 2008.

In the paragraph (11) added by section 301(a), add at the end the following (page 160, after line 13):

''(O) REQUIREMENT FOR CERTAIN STATES.—Effective October 1, 2009, any State that provides for child health assistance under this title for children in families with income that exceeds 200 percent of the poverty line shall elect and implement the option under this paragraph.''.

In section 605 (on page 251, beginning on line 8), strike ''Nothing in this Act allows Federal payment for individuals who are not legal residents.'' and insert ''Notwithstanding any other provision of law, no Federal payment shall be made under title XXI of the Social Security Act for any individual who is not a legal resident of the United States.''.

Strike section 613 (page 255, lines 14 through 20).

Mr. BARTON of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read.

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

Mr. DINGELL. I object. I reserve a point of order.

The SPEAKER pro tempore. Objection is heard.

The point of order is reserved.

The Clerk will continue to read.

□ 1615

Mr. DINGELL. Madam Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. BARTON of Texas. Madam Speaker, I appreciate my good friend, Mr. DINGELL, asking that the motion to recommit be read. I did the same thing in committee on the 593-page bill, so I think payback is fair. So I don't have a problem with that. I hope that the Members in the Chamber actually listened to the reading of the Clerk, because those that did will agree with me on the following things.

First of all, we have taken the 293-page bill that we got at approximately 7 p.m. last evening and left most of it untouched. We have changed approximately 15 pages of a 293-page bill. We have listened carefully to our friends on the majority side at what they say they want, and we have tried to implement those changes in this motion to recommit.

We start out with the fact that our friends on the majority side agree with us that SCHIP should be for the poor and the near-poor in American society. This motion to recommit eliminates the loophole for income-disregards that would allow States to actually cover children and families in all probability well above 300 percent. So we have an elimination action in this motion to recommit that would eliminate that loophole.

We also believe that before you go above 200 percent of poverty, you should cover the children below 200 percent of poverty, so we have a requirement in the motion to recommit that States cannot go above 200 percent of poverty until they have covered at least 90 percent of the eligible SCHIP and Medicare children below 200 percent of the poverty line.

We take statements like Chairman RANGEL of the Ways and Means Committee and Chairman DINGELL of the Energy and Commerce Committee at face value when they say they don't want illegal aliens to be covered in the bill. We put a requirement in the motion to recommit that applies the same citizenship documentation requirements for SCHIP as we have for Medicaid in the Deficit Reduction Act and applies those to the 16 States that it does not currently apply to.

We also take the majority at their word when they say that they really want SCHIP to be for children. The motion to recommit would take all adults off the program within 1 year except for pregnant women. We would continue to cover pregnant women under the SCHIP program.

We have a concern about when you begin to go above 200 percent of poverty that you actually begin to crowd out the private insurance market, so we do have a requirement in the motion to recommit that if a State wants to go above 200 percent of poverty, they have to have, they must have, a premium support assistance program that would give those families that have private insurance the option to continue to receive the private insurance, and they get premium assistance from that State government.

Finally, the motion to recommit has been scored by the CBO as saving at least $10 billion from the pending bill.

Also, in full disclosure, I need to point out we do not change in the motion to recommit the pay-for, so the portion of the underlying bill that does have a tobacco tax, we do not touch that. We don't try to move it up, we don't try to move it down, we don't try to substitute for it. The motion to recommit that we offered in August had that same provision, but I think in the interests of full disclosure, we need to put that on the table.

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

Mr. DINGELL. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. DINGELL. Madam Speaker, I begin with an expression of my affection and respect for my good friend from Texas (Mr. BARTON). In most matters he is an extraordinarily fine legislator, except on occasions when he offers these motions to recommit.

I begin by pointing out that my good friend's motion to recommit is the same tax about which there have been such prodigious complaints by my Republican colleagues, but that fewer kids are covered, and that there are many impediments inserted into the bill by the motion to recommit to covering the number of kids.

Having said that, my colleagues on the other side say they want to ensure that lowest-income States are covered, but they strike the bonus payments that CBO says will get 1.9 million of the lowest-income children covered who would not otherwise be covered.

□ 1630

Second, they say they are for working families. But it is interesting to note that they are forcing, by this, many of the working families who would receive coverage under the bill before us are forced to go onto welfare in order to get health care because they strike the provisions which would discourage that kind of unfortunate event. My colleagues, I would observe, still have the wrong medicine for the problem.

Now, in addition to this, the recommit would prohibit States looking to expand coverage to a family of three at $52,000 from doing so unless they meet arbitrary enrollment targets. The result of that is, of course, again harder for people who deserve and need this kind of relief to get this kind of benefit.

The last point I want to make here is their proposal does not remedy the current problem that has caused thousands of children to lose health coverage due to Republican bureaucratic requirements. I would point out something else, and that is my good friends have essentially in this, as near as I can figure, reenacted the President's proposal, which would set forth a directive to the States as to how they will administer this, something that has caused a huge outrage amongst the States, amongst persons affected and amongst advocates for the poor and the unfortunate. This is perhaps the worst part of what the proposal to recommit does.

Let's look at what the bill does. The bill increases the number of children who are eligible for coverage, for health insurance, from 6.6 to 10 million young Americans. It must be observed that we are doing this amidst a circumstance where we have seen significant increases in the number of our children joining the ranks of the uninsured.

The bill does more. It sees to it that we take care of the problem. Nearly 70 percent of all uninsured children are from families below $41,300 for a family of four. Of the 9 million uninsured children, nearly two-thirds are either preschool or elementary school age. This is the time when health care becomes singularly precious and important to them.

I would remind my colleagues that a Nation is judged by how it treats and cares for those who are most vulnerable and least able to help themselves. The bill sees to it that we amplify and include greater numbers of those who are most dependent upon others for their survival.

But in addition to that, I would remind my colleagues that this legislation is something which is of great importance because we are talking about the future of the kids. Giving them health care now when they have need of it is something that ensures that Americans in the future will be the kind of productive, valuable citizens who are able to carry forward the competition of this Nation in some of its most difficult, competitive times.

Now, this bill would significantly increase and improve access for needed health care to children. The proposal in the motion to recommit significantly cuts back on that.

I urge my colleagues to vote ''no'' on the motion to recommit and vote for the bill.

The SPEAKER pro tempore (Mrs. TAUSCHER). 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. BARTON of Texas. Madam 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 164, nays 242, not voting 26, as follows:

[Roll No. 1008]

YEAS—164

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

NAYS—242

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
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
Kind

King (NY)
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
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
Ramstad
Rangel
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
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
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—26

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
DeFazio
Dreier
Filner
Gallegly
Hastert
Hastings (WA)
Hunter
Issa
Jindal
Johnson, E. B.
Kilpatrick
Lewis (CA)
McHenry
McIntyre
Miller, Gary
Shea-Porter
Shuster
Tancredo
Wilson (OH)
Young (AK)

□ 1657

Ms. TSONGAS, Mr. GORDON of Tennessee, Mr. TOWNS and Mrs. CAPITO changed their vote from ''yea'' to ''nay.''

Mr. SHIMKUS changed his vote from ''nay'' to ''yea.''

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. McHENRY. Madam Speaker, on rollcall No. 1008 I am not recorded because I was unavoidably detained on my return to the Capitol. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 1008, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. BARTON of Texas. Madam 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 265, nays 142, not voting 26, as follows:

[Roll No. 1009]

YEAS—265

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

NAYS—142

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—26

Bilbray
Boren
Buyer
Calvert
Carson
Davis (CA)
DeFazio
DeGette
Dreier
Filner
Gallegly
Hastert
Hastings (WA)
Hunter
Issa
Jindal
Johnson, E. B.
Kilpatrick
Lewis (CA)
McHenry
Miller, Gary
Shea-Porter
Shuster
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1706

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 1009, I was not present because I was helping my constituents cope with the fire crisis in San Diego, CA. Had I been present, I would have voted "yea."

Mr. McHENRY. Mr. Speaker, on rollcall No. 1009 I am not recorded because I was unavoidably detained on my return to the Capitol. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in the 13th Congressional District of Michigan, I unavoidably missed two votes. If I had been present, I would have voted "nay" on rollcall No. 1008, the motion to

recommit H.R. 3963, and ''yea'' on rollcall No. 1009, final passage of H.R. 3963, the Children's Health Insurance Program Reauthorization Act.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I erroneously cast my vote against H.R. 505, the Native Hawaiian Government Reorganization Act. Please let the written record show that I intended to vote ''aye'' on roll call vote number 1000.

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, for information about the schedule next week.

Mr. HOYER. I thank my friend for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour business and 2 p.m. for legislative business, with votes rolled until 6:30 p.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the end of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. We expect to consider H.R. 3867, the Small Business Contracting Improvements Act; H.R. 2262, the Hardrock Mining and Reclamation Act; and H.R. 3920, the Trade and Globalization Assistance Act. On Friday, there will be no votes, as I announced earlier today.

Mr. BLUNT. I thank the gentleman for the information. Two bills we thought we might deal with this week I notice are still not on the schedule: the Employment Non-Discrimination Act and the Foreign Intelligence Surveillance Act. I wonder if my friend has any information about either of those bills?

Mr. HOYER. I thank the gentleman for the question, and I will tell him that both of those bills are under consideration for addition to the calendar. They have not been added at this point in time, but they are both possibilities.

Mr. BLUNT. I thank you for that. On the question I have asked now for the last few weeks about conferences on appropriations bills, I believe 1987 was the last year that the Congress hadn't passed a single appropriations bill by this time in October 1987, particularly on the Military Quality of Life bill that has been ready for some time. I am wondering if there is any chance that we could go to conference on that bill or any other appropriations bill in the near future.

Mr. HOYER. We passed the Military Construction bill here handily through the House. It has passed the Senate. We want to get a conference finished. We know the staff is working on that. We hope to go to conference very soon. We certainly want to pass that bill in the near term, and other appropriations bills are being preconferenced as well as getting ready to go to conference.

I say to the gentleman, as you know, we passed bills here in a relatively timely fashion, all by August, and I want to see those bills moved and sent to the President. We hope to do that as soon as we can. We are working on it.

Mr. BLUNT. I am pretty familiar with that equation, where the House passes its bills and then we don't have the bills done. I don't recall ever getting a lot of credit for that, but I will suggest I appreciate the gentleman's position, and I appreciate the fact the House got its bills done.

It still has been 20 years since we failed to get any bills done by October 25. Of these bills that are ready, I do hope we can figure out a way to move them, again, particularly on the Military Quality of Life bill for veterans and for the families of people serving today, and for military retirees, I think it's about $18.5 million a day of additional benefits that could have been going as of October 1, and I know I brought this up before, I don't mean to be offensive about it, but I really strongly feel that this is a bill that we could get on the President's desk and get started quickly.

Mr. HOYER. We want to pass that bill. The bill that passed out of the House is the best bill that's passed out of the House for veterans since 77 years ago when the Veterans' Administration was formed. We are very proud of that bill. It had overwhelming bipartisan support. We think it is an excellent bill. We want to see it signed by the President.

I will observe, though, Mr. BLUNT, that I can't remember a time that I have served here over the last 26 years where a President said, if you are not exactly at my number, I will veto all of your bills. That has put a real crimp in the appropriations process of trying to figure out how to get this process done on bills that, for the most part, have been very strongly supported.

In the Senate, there hasn't been under, I think, 71 votes or 72 votes for any of the appropriations bills they have passed. We have had an average of 285 votes for the bills we have passed, some less, some more, so that the Congress has passed its bills and with relative ease that it's considered on the floor, but the President continues to say he is going to veto bills if we go anything over what he has told us to do.

Very frankly, we think under article I of the Constitution, it's our prerogative to fund the priorities that we believe are important for our country. We have done that, and we are hopeful. I have had discussions with the White House about the possibility of compromise. Mr. OBEY has had conversations, and we do not have compromise yet on that position. So I tell my friend that that has made it somewhat more difficult for us to do.

If it's unprecedented that we haven't passed one before October, I tell the gentleman, without having checked the records, I can't remember a President, certainly not this President, ever saying that to previous Congresses, which, by the way, as you know, for at least 4 years cut defense spending below what the President asked for and increased domestic spending above what he asked for. We have not done that. As a matter of fact, we have enhanced the President's request on the Defense appropriation bill, as you know, for MRAPs and for Afghanistan and for other items that we thought were necessary. So we are over the President's number.

□ 1715

But we're working on it. We hope to get those to the President as soon as possible, and we're certainly hopeful that he will sign the bills that we send him.

Thank you for yielding.

Mr. BLUNT. I thank the gentleman for that. Again, I'd suggest on the Military Quality of Life bill, I think the President said he's ready to sign that bill, even though it exceeds his request. And of course it would drive the average up dramatically of the passage of the other bill, since every Member of the House voted for it. But the other bills did get bipartisan support at some level. I do understand that.

I also understand that I think all the other bills, but one, probably had enough people voting against them to sustain a veto. But as the actions today would have been evidence of, the very fact the President says he's going to veto is not the ultimate impediment to us getting our work done and challenging him with that.

One of the announcements you made today was on the Trade Adjustment Assistance Act. I wonder, could we begin to expect a vote then on the Peru Free Trade Agreement after Trade Adjustment Assistance is on the floor next week?

Mr. HOYER. It is my hope and expectation that we will schedule Peru for the week of the 5th, the vote on the Peru Trade Agreement the week of the 5th, which would be not next week, but the week after.

Mr. BLUNT. But the following week, the week after we do Trade Adjustment Assistance is what the gentleman is saying.

Mr. HOYER. Yes.

Mr. BLUNT. I appreciate that.

On the calendar generally, I actually received a document this week that one of your chairmen had sent around town that suggested, actually it didn't suggest, it said here's going to be the schedule for December. I wonder if that's accurate, or if the gentleman could share his plans for December, if we are in, this would be assuming, my friend, that we haven't finished our work yet on November 16, we'll be working in December. Are we to the

point yet, as this chairman suggested we were, that there is a rough Members' outline of how you could schedule other activities if we're still working in December?

Mr. HOYER. I don't know the paper to which you refer. However, I know what I've told the chairmen so I would be glad to relate it to our Members for their planning purposes.

The Senate decided to be out the last 2 weeks of November, obviously the last week being Thanksgiving or I guess it's the next to last week being Thanksgiving, and we will be out that week because the Senate won't be in. And frankly, after the 16th, what I've told the committee chairmen is that the only business that I will schedule time for will be the finishing of business that we've already initiated and that we are getting back from the Senate, whether it's appropriations bills or other conference reports on authorization bills, Energy being one. We might be able to do that prior to the 16th. But if not, Energy would certainly be one of those bills. There would be others that would fall in that category, but there would be no initiated legislation out of the House after the 16th of November.

I have then told Members, as you refer to, and the chairman has referred to, that it will be my intention in December to schedule us the first Tuesday, Wednesday and Thursday, that's the 4th, 5th and 6th of December. And then, if necessary, Members ought to keep their calendars flexible for the Tuesday, Wednesday and Thursday of the next week.

Now, the Speaker and I both have talked to the leader in the Senate, hopeful that by the 6th of December we can finish our business. But, as you well know, and I'm more empathetic with your pain every day that you experienced, we need to make plans for contingencies because we meet contingencies on a regular basis. So that's the second week.

But the point, for planning, is that I do not intend to schedule Mondays or Fridays in December.

Mr. BLUNT. Okay. That's very helpful.

I know our planned adjournment day was tomorrow, and we've known for some time we wouldn't make that; but I believe your information here is very helpful, that Members, if we are working in December, those first two weeks, would anticipate that Monday and Friday of those two weeks would not likely be scheduled work days, and they could schedule other things in their districts.

Mr. HOYER. The gentleman is correct. Obviously, there are contingencies on which, particularly I think a Friday, not so much on a Monday, on a Friday. We have not yet decided when, for instance, if we need a CR, as is quite likely, when that CR will end. And, obviously, we're not going to, we have no intention, and I know I talked to the President, the President has no intention of shutting down the government. So we need some flexibility for those days for that contingency. We have no intention of being certainly at home and having the government shut down. We need to reach accommodation on that.

But, generally speaking, those would be the six days that I want to have us try to be available. The first three I'm sure we're going to be here. The second three I hope we're not here, but I don't want Members to schedule themselves.

I might make one additional announcement that might be helpful to Members. We have decided that we will be coming back after the Christmas/New Year's break on the 15th of January; that's a Tuesday at 6:30 p.m. on the 15th.

Mr. BLUNT. I thank the gentleman. That's very helpful information for our Members on the time we will be working and the information for next week.

And I yield back.

ADJOURNMENT TO MONDAY, OCTOBER 29, 2007

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. MITCHELL). Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

THIS IS DAY 25

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

Mrs. DRAKE. Mr. Speaker, this is day 25. That is 25 days, so far, that our veterans have not had the use of the increased funding for their benefits and health care. That is $18.5 million a day not able to be used. And why? Because the Democratic leadership has decided to not complete this bill and send it to the President, who has agreed to sign it.

In June this House passed this appropriation bill with a $6 billion increase in a bipartisan manner. We were proud of our work and grateful to our veterans.

On September 6, the Senate completed their bill.

This work is done. Our veterans are not pawns in a political game. They are heroes.

America expects us to get the job done. America expects us to provide the best care to our veterans.

Please join me in calling upon the Democratic leadership to put our veterans first and send this bill to the President now.

PERSECUTION OF JOURNALISTS IN MEXICO

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

Mr. POE. Mr. Speaker, the people in Mexico are expected to remain silent to the corruption and despicable acts among the rich and powerful. Sort of the philosophy: Sin ain't sin as long as good folk do it.

Lydia Cacho refused to remain silent, and for that she fears for her life, has been arrested, verbally abused, imprisoned, and sued.

Lydia Cacho, founder and director of a shelter for sexual assault victims in Cancun, wrote a book, ''The Demons of Eden.'' In it, she exposed and named the rich and powerful who lured poor young girls to millionaire Cancun businessman Jean Succar Kuri's home so he and his friends could have sex with them.

Powerful politicians and businessmen had Cacho jailed for her work. Without explanation, state police whisked her away in the darkness of the night to a prison 900 miles away. So much for freedom of the press in Mexico.

Lydia Cacho is one of several journalists that have been persecuted for articles about corruption in high places in Mexico. Lydia Cacho became a political prisoner of the rich, famous, and powerful of Mexico. Accusations against her should be dismissed, and the child sex offenders should go to jail.

And that's just the way it is.

IT CAME TO PASS

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

Mr. GOHMERT. Mr. Speaker, there's a phrase that's used in the Bible a number of times: ''It came to pass.'' That really struck me this weekend.

You know, the Republican majority, it came and it passed. The Democratic majority, it came and it will pass. So that needs to be thought about in these unprecedented procedural rules that shut out so much of America from having representation.

You have a Rules Committee that says, we'll not allow any amendments. Now put on your evidence about your amendments.

We have a majority leader that came to the floor and said, we reached out to the other side. I had a meeting this morning about SCHIP.

The bill was put on display at 7:30; we didn't even get a copy. You have to come and look at the copy.

It came to pass. I don't know how long the majority of the Democrats

will last, but it came and it will pass. And people need to remember they're setting very, very dangerous precedents.

It came and it will pass.

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.)

PROTECTING CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, most of my adult life has been related to children's issues. Before I came to Congress, I had the privilege of serving in the Arizona House of Representatives as chairman of the Subcommittee on Child Protection and Family Preservation.

Later, I was director of the Arizona Governor's Office for Children, which had oversight of all of the State's programs for children in Arizona.

I was also chairman of both the Arizona State Children's Cabinet and the Interagency Study Committee on Children and AIDS.

And for another 4½ years, Mr. Speaker, I had the privilege of being the executive director of the Arizona Family Research Institute.

I later wrote the Arizona scholarship tax credit legislation, a version of which has now gone through five States and serves to scholarship more than 100,000 low-income children who go to a school of their parents' choice.

I also wrote Arizona's child obscenity and pornography bill, which became a national precedent and protects children from the insidious harm of both adult and child pornography.

Mr. Speaker, the reason I say those things is that there is one critical component of protecting innocent children I have learned over and over again; and that is if you desire to protect children, you must protect the family. Because either families, or government bureaucrats, will ultimately make the decisions about nearly all aspects of our children's lives.

The proposed SCHIP legislation funds and empowers government bureaucracies and not families. It is a quintessential example of a misguided and overreaching program that is an entitlement program and affixes itself to a funding mechanism that is a declining revenue source. Not only does it place this generation of children into a Hillary-care, government-run health care system, but it also places the burden of cost on the next generation of children, Mr. Speaker, and those many times who will be forced to pay for it will be those making less money than those benefiting from the program.

Mr. Speaker, Americans care desperately about their children. And, unfortunately, in this SCHIP debate, liberal Democrats are exploiting America's love for children for temporary political gain. The majority has cast this entire debate in terms of Republicans being against children and Democrats being for them. For a Republican like myself who has spent their entire life dedicated to children's issues, it is an equation that I have to reject in the strongest possible terms. And it is especially difficult for me, Mr. Speaker, in light of the fact that the same party who says they advocate for poor children leaves the very poorest children of all out of the equation.

It is the Democrat Party, Mr. Speaker, that has for decades fought for an abortion-on-demand policy that has allowed thousands of unborn children to be killed in America every day.

At the beginning of this Congress, newly elected Democrat Speaker NANCY PELOSI said, ''We are here for the children.'' And she called the House to order for ''all of America's children.''

But she didn't mean all of them, Mr. Speaker. In fact, most Democrat Members of this body, including Speaker PELOSI, voted against, in the last Congress, allowing unborn children to even receive anesthetic when undergoing abortion procedures so torturous that they would be a felony if performed on an animal.

Mr. Speaker, behind me this picture is a little baby who deserves to be protected like every other child in this country, and yet before the sun sets in America today, 4,000 unborn children will be killed through abortion on demand, and, Mr. Speaker, their mothers will never be the same.

The Democrat Speaker and the majority of this Congress have to somehow understand that there are better ways to help mothers than killing their children for them. And they must also realize that they can never have credibility as advocates for children while they still support an abortion-on-demand policy that has killed nearly 50 million innocent children.

Mr. Speaker, it is time for Members of this body to come together and to truly do the right thing for all of America's children, even those yet unborn.

□ 1730

H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007: PART II

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, for the second time we have overwhelmingly and on a bipartisan basis passed a bill to provide health insurance for 10 million American children by reauthorizing the State Children's Health Insurance Program.

This legislation presents another opportunity for President Bush to show the American people that he values the well-being of our Nation's children. After all, the President has often said that he is a ''compassionate conservative.''

Well, he failed the first time, and I was hopeful that the House could override his ill-advised veto. But, unfortunately, we came up 13 votes short.

So we are here again today passing a revised bill that sufficiently addresses the stated concerns of those who opposed the earlier bill. Those concerns really amount to little more than empty rhetoric.

Rather than complain, House leadership compromised on phasing out health care insurance for childless adults from 2 years to 1 year. The bill we passed today clarified that CHIP will focus first on enrolling low-income children by capping the enrollment level at 300 percent of the poverty level, or $62,000 for a family of four.

We also added language to clarify that CHIP does not cover illegal immigrants by requiring States to obtain further documentation of citizenship that cannot be confirmed by the Social Security Administration. And in addition to doing those things, creating new options for States to develop and expand premium assistance programs designed to keep children and their parents in an employer-sponsored plan, the new bill contains a provision adding premium assistance programs to the list of things a State can do to receive bonuses. It will also now require all States to develop plans and implement recommended best practices for minimizing crowd-out.

Let me be clear, Mr. Speaker. None of these fixes were necessary under the original CHIP bill, which already contained provisions addressing these very issues. But these were concerns raised by some Members and the President; so we clarified the language for them. There can now be no question as to whether this bill should be supported.

In addition to addressing the concerns that have been raised, it contains several excellent provisions for our children. It insures dental coverage and mental health parity, including guaranteed dental benefits that I offered in response to the death of Deamonte Driver, a 12-year-old Maryland boy who died when a tooth infection spread to his brain.

It also provides $100 million in grants for new outreach activities to States, local governments, schools, community-based organizations, safety-net providers, and others. And it improves a new quality child health initiative to

develop and implement quality measures and improve State reporting of quality data.

A recent national poll from CBS News finds that 81 percent of the American people support this bipartisan legislation, including large majorities of Democrats, Independents, and Republicans.

I have heard many of my colleagues say that they wanted more time to review the bill, but we have already debated the issue more than was necessary. We are acting expeditiously because the short-term fix CHIP expires on November 16 and we cannot allow the 6 million children who are currently enrolled in the program to lose their coverage because we cannot make up our minds.

When it comes to health of our children, there is no time for uncertainty. That is why I am glad that we were able to pass the legislation a few minutes ago. And I strongly urge the Senate and President to follow suit with a great sense of urgency. This urgency is needed because there are 10 million very good reasons why we should support this legislation. As I have often said, our children are the living messages we send to a future we will never see. I think we ought to be about the business of urgently making sure that we send children into the future who are healthy.

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.)

CALLING FOR REDEPLOYMENT OF OUR TROOPS OUT OF IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, before the invasion of Iraq, Secretary of Defense Donald Rumsfeld was interviewed on television by George Stephanopoulos. Mr. Stephanopoulos asked Secretary Rumsfeld what invading Iraq would cost. Rumsfeld answered, ''Under $50 billion.''

Mr. Stephanopoulos then replied that outside estimates say it would be up to $300 billion, to which Rumsfeld replied, ''Baloney.''

Well, it may have been baloney to Rumsfeld then, but he must eat his words now because the cost of the occupation has climbed to over $400 billion so far. And it's going to go up, up, and up because our leaders in the White House seem simply not to care how much this occupation costs. It's like that old joke: We could say they are spending like drunken sailors, but we wouldn't say that because that would be an insult to the sailors.

The nonpartisan Congressional Budget Office estimated yesterday that the occupation of Iraq could cost the taxpayers $1.9 trillion by the year 2017. Of that amount with over $500 billion going to just pay off the interest on the debt we're piling up, it is going to cost $500 billion. That's $500 billion that would fly out of our treasury and land in Japan and in China and the other countries that are lending us the money for the occupation. That is far more than what the SCHIP bill would cost us.

It is incredible to me and to most of my colleagues on this side of the aisle that the administration would rather give our country's money to foreign governments and investors than invest it in the health care of America's poor children. And it is incredible to me that my colleagues on the other side of the aisle, who lecture us daily about fiscal constraints, did not make a peep about this fiscal catastrophe.

The next question is, what are we getting for this money? The answer is, we are getting a slap in the face from the Iraqi leadership.

Thomas Friedman, the New York Times columnist who has won three Pulitzer Prizes, reported yesterday that the Iraqi leaders who are supposed to be working on the political reconciliation needed to end the conflict have been more asleep at the switch than ever. Mr. Friedman writes: ''Study the travel itineraries of Iraq's principal factional leaders. Did they all rush to Baghdad to try to work out their differences'' after General Petraeus testified before the Congress? ''No. Many of them took off for abroad. As one U.S. official in Baghdad pointed out to me,'' and this is Mr. Friedman speaking, ''at no point since the testimony by General Petraeus . . . have you had the four key Iraqi leaders in the same country at the same time. They saw the hearings as buying them more time, and so they took it.''

With American troops and innocent civilians continuing to die in Iraq, you would think our leaders in the White House would be on the phone ten times a day with the Iraqi leaders demanding that they get out of their La-Z-Boy recliners and get to work. But the White House shows no desire to knock heads together. What does the White House do instead? It sends us a request for another $46 billion for this occupation.

We must tell the White House, ''Sorry, we've run out of blank checks.'' Then we must use our power of the purse to defund the occupation. Instead, we must fully fund the safe, orderly, and responsible redeployment of our troops out of Iraq, and that includes the withdrawal of all military contractors, including those trigger-happy Blackwater boys who have given our country a black eye.

Mr. Speaker, from now on every time the administration tells us it needs more money for its senseless occupation of Iraq, we have the perfect one-word answer, and that word is ''baloney.''

□ 1745

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.)

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 gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EARLY EDUCATION WORKFORCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Ms. HIRONO) is recognized for 5 minutes.

Ms. HIRONO. Mr. Speaker, I rise today to introduce the Early Education Workforce Act.

Our youngest children are our most precious resources. Research shows that a child surrounded by a safe, stimulating and caring environment will literally develop a stronger brain. That child enters kindergarten ready to succeed and is more likely to graduate from high school, hold a steady job, and avoid prison.

Early education not only benefits the child and the adult he or she will become; it also helps to ensure that America has the educated workforce we will need to address challenges as a Nation in the future.

I believe in research-based policy. If we don't know something is going to work, I hesitate to invest Federal dollars. Unfortunately, in many cases research is ambiguous at best, but high-quality early education is a great exception.

We know it works. The research continues to mount as experts from all fields, economists, neurologists, police officers and teachers, come to a consensus that it pays to invest early in our children.

Our States are making great progress in ensuring that every family has the option of sending their children to high-quality child care and preschool. However, in Hawaii and around the country, we are facing a major roadblock. We simply do not have a stable, adequate supply of qualified early education childhood professionals. If we

don't have the teachers, we don't have quality programs; and this is a major problem because quality is a key ingredient in early education.

A poorly designed program or an understaffed one is not going to produce the results we owe our kids, so we must address this problem. We must recruit and retain early educators. And how do we do that? We can start by passing this authorization bill to streamline professional development opportunities, open doors to early education degree programs, and begin to address the woefully inadequate compensation our preschool teachers and child care workers receive.

I urge my colleagues to support this bill on behalf of our children and to honor and encourage the people who dedicate their lives to preparing our youngest children for success.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

(Mr. DENT 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 gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

(Mr. TIM MURPHY of Pennsylvania 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 Washington (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Washington addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BE PREPARED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, "Be prepared" is the motto of the Boy Scouts of America. Unfortunately, for those Californians now in harm's way, the leadership of the U.S. Forest Service doesn't have the same commitment. Three years ago, the fleet of airplanes with firefighting capabilities available to the Forest Service declined dramatically, due to both attrition and accidents. I contacted the head of the Forest Service and aggressively suggested that steps be taken to ensure a surge capability in firefighting aircraft should a major conflagration erupt.

Much to my chagrin, the leadership at the National Forest Service was not responsive and our fire fighting aviation assets were permitted to dwindle. I continued to push the case for preparedness, focusing on the certification of specially designed Russian firefighting airplanes, so that water bombers would be available if our own depleted air assets were insufficient to handle an emergency. The availability of large American aircraft, like the DC-10, converted for firefighting purposes, was also suggested as a possible backup should the current number of firefighting aircraft prove inadequate.

The bureaucratic response from the U.S. Forest Service was disheartening, which is an understatement. The leadership did everything they could not to do anything. They bent over backwards to justify not taking steps to be prepared for the worst scenario. It appeared to be "good ol' boyism" and bureaucratic obstructionism with a vengeance. After all my pleas and demands, the Forest Service refused to take the steps necessary to be prepared for the worst. That intransigence was the order of the day at the Forest Service as late as December of last year, 2006.

The people of California are now suffering. It was only the intervention of Gov. Schwarzenegger that kept the privately developed fire fighting DC–10 available for the awe-inspiring part it is now playing in the current battle against the flames that have engulfed huge chunks of California. That DC–10, however, as well as the Russian waterbombers, is still not permitted to fight fires on the Federal lands in California, or elsewhere.

When the fire is extinguished and an-evaluation is done, one thing that must be determined is whether or not a lack of aviation firefighting capacity undercut the courageous efforts of those confronting this enormous blazing inferno. Did people lose their homes because the waterbombers weren't there to save the day? One way or the other, those who made the decision to do nothing at the U.S. Forest Service will be held accountable.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 2005.

Mr. DALE BOSWORTH,
Chief, Department of Agriculture, Forest Service, Washington, DC.

DEAR CHIEF BOSWORTH: I write once again regarding the issue of the availability, in case of emergency, of the Russian fleet of firefighting aircraft as addressed in your letter of August 25, 2005.

Your letter represents an unacceptable and unwarranted change from what you stated in a meeting in my office on July 1, 2005. At the conclusion of that meeting it was my clear understanding that the United States Forest Service (USFS) would undertake specific steps to see that Russian air-tankers would be available to use in an emergency, should enough American firefighting assets not be available to respond to an extraordinary challenge.

In your most recent correspondence of August 25, you once again assert that Federal Aviation Administration certification is a prerequisite for any action to be taken by the USFS to ensure Russian firefighting planes could be used if necessary. However, as you expressed to me in our meeting, this is an USFS internal rule, not required by any statute. Such a policy, I believe, and you agreed, can and should be put aside if it could endanger life and property in this extremely volatile fire season. If another significant fire explodes in addition to the wildfires now raging in Southern California, USFS assets may be stretched dangerously thin. I think that we can agree that bureaucratic procedures and regulatory impediments not required by law should not get in the way of these Russian planes being made available and used if life and property is otherwise in danger. If steps must be taken to ensure the interoperability of these Russian assets with our existing fleet in case of such an emergency, then why not take those steps? You seemed to agree with that logic at our July meeting.

Your letter, however, represents a reversal of what I believed was agreed upon in our conversation. That is no small matter. After Hurricane Katrina, the American public will not stand for decisions, in the face of an impending calamity, made with more mind to political turf protection than helping people. Steps must be taken to ensure that all options are available in case we face massive wildfires in the West. If the worst case scenario occurs and all options that could have been available are not, there will be a severe accounting. In the meantime, I find the USFS's inaction to be deplorable.

I look forward to your prompt response and, above all, action in response to this matter.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 2006.

Mr. MARK REY,
Under Secretary for Natural Resources and Environment, Department of Agriculture, Forest Service and Natural Resources Conservation Service, Washington, DC.

DEAR MR. REY: Let me first express my regret about the death of your firefighters, especially Pablo Cerda, in the Esperanza fire. Pablo was one of my constituents, a Fountain Valley High School graduate. His tragic death is one of the primary reasons for this letter.

Your June 21, 2006 response to my April 5, 2006 letter was not responsive to the specifics that I requested. Your letter contained the same information that has been relayed to me in the past by your agency. There has been a disconnect between presentation information and the written responses, as indicated in my September 29, 2005 letter to Mr. Bosworth. For example, your second and third paragraphs which mention an initial attack response rate of 98.5 for the 2005 fire season are misleading. Initial attack rates have nothing to do with the availability of aircraft to support the firefighters on the ground. Initial attack concerns the use of resources nearest to the fire, not the availability and position of the federally funded aircraft to attack the fire.

I am still concerned that we have neither the correct tools nor the operational plans that are required to reduce the fire risk to California. Your response did not specifically answer my questions regarding the operations, logistics, and communications compatibility plans that must be in place if we are to use foreign assets to support firefighting in the U.S. In addition to my concerns about the availability of the Russian fleet of firefighting aircraft in case of emergency, I now have concerns about the overall management of our fire tanker fleet. The newest large tanker aircraft that is available, a DC–10 tanker, was created with private financing. This aircraft was not used until the day after the fire crew was overwhelmed in the Esperanza fire when the DC–10 tanker was used for six drops. The request and funding for the operations of this aircraft was done by the state of California, not

the federal government. This incident calls into question your written response that the firefighting forces are adequate to address the fire suppression needs in the western United States. It appears that the 16 large air tankers were not adequate since the use of the DC–10 had to be funded by the state of California.

The responsibility for airworthiness and safety of aircraft over the United States is the responsibility of the Federal Aviation Administration, not the Forest Service. The FAA has the category of Public Use Aircraft for aircraft used to fight fires, if aircraft wish to be used to save lives and property. For example, the National Guard C–130's are public use aircraft and do not have to pass the additional requirements of the Forest Service. We allowed the IL–76 flights into Little Rock Air Force Base after Katrina when they brought supplies to our citizens. Not to consider new or foreign aircraft under the excuse of interagency safety and airworthiness standards is a red herring which has cost the country both in funds, in property and in lives destroyed and at risk. Your unwillingness to take the necessary steps to ensure the availability of large aircraft in situations in which the current assets are not sufficient is unconscionable.

To summarize, your response was again filled with the bland generalities on this issue and it continues to leave me with no confidence. The failure during the Esperanza fire validates my lack of confidence in your organization and decisions. Since we are at the end of the 2006 fire season, I want to be ensured that we are better prepared for the 2007 fire season than we were for this season. To this end I am talking to Senator Feinstein and others to ensure that this issue is not ignored until more firefighters lose their lives and property and homes are destroyed. I am also involved in a private evaluation of this issue. Unless I receive satisfactory explanations, there will be a painfully harsh critique of your decision making on this issue. I expect to hear from you in detail before the first of the year.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, Under sections 211, 301(b), and 320(a), of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the bill H.R. 3963 made in order by the Committee on Rules (Children's Health Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

Any questions may be directed to Ellen Balis or Gail Millar.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal year 2007	Fiscal year 2008 [1]	Fiscal years 2008–2012
Current Aggregates: [2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in Children's Health Insurance Program Reauthorization Act (H.R. 3963):			
Budget Authority	0	9,332	n.a.
Outlays	0	2,386	n.a.
Revenues	0	6,210	35,510
Revised Aggregates:			
Budget Authority	2,250,680	2,360,328	n.a.
Outlays	2,263,759	2,356,340	n.a.
Revenues	1,900,340	2,022,051	11,173,181

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.
[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal Years, in millions of dollars)

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	366	362	−59	−63
Change in Children's Health Insurance Program Reauthorization Act (H.R. 3963):						
Energy and Commerce	0	0	9,332	2,386	49,711	35,384
Revised allocation:						
Energy and Commerce	−1	−1	9,698	2,748	49,652	35,321

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

(Mr. RAMSTAD 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 Georgia (Mr. PRICE) is recognized for 5 minutes.

(Mr. PRICE of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Wednesday, October 24, 2007:

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

DANIEL P. BEARD,
Chief Administrative Officer.

ENERGY CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from

Pennsylvania (Mr. PETERSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to address the House on an issue that I think should be a very high priority in this Congress.

On October 25, 2007, our world oil prices hit $92 a barrel and closed at $90. This is our chart from 1986. These are annual average prices. I can't analyze this year's price; we don't show the little spikes that happen throughout the year. But folks, we're clear up here, off the chart.

Two weeks ago, I stood at this microphone with shock and dismay that we had over $80 oil, had set record prices 2 weeks ago. Now, this would be understandable if we had had a storm in the gulf as we normally do every summer, but we have been protected for the last 2 years. We have not had a storm in the gulf that disrupted supply. We get 40 percent of our energy from the gulf. So whenever we have problems in the gulf we have oil spikes because oil and gas are deprived from the system for weeks, months at a time until all repairs are made, and so we lose a lot of our energy.

But this year and last year, we've had no disruptive storms in the gulf. We've not had a terrorist act that has blown up a refinery, a pipeline, or somehow impeded supply. We have not had a dictatorship. I don't think a lot of people realize that the vast majority of oil produced today, in fact 90 percent of the oil in the world, is produced by government-run dictatorships who own the oil, produce the oil, market the oil, skim off the profits for their social programs, and actually run their own oil companies.

It's kind of surprising to the world, but Exxon is now the 14th largest oil company in the world, our largest. But they are only 14th in the world. The other 13 are countries, dictatorships, some of them very unstable ones. Now, we haven't had one of them tip over, but here we are at $90 oil.

Six years ago, we got as low as $16, just 6 years ago. Now, it doesn't show it on here because these are average prices, but it got as low as $16. And we had $2 natural gas.

The question I have is, When will the House of Representatives of this Congress think that energy should be a priority issue for Americans?

What's really concerning is, as we look at $90 oil, we have somewhere slightly under $3 gasoline at the pump today. Now, that's not going to last because there is a lot of gasoline, there is a little extra gasoline in the market place, and this is the slowest time of year for gasoline usage, so the price is below the normal trend.

I talked to a refinery in Warren, Pennsylvania, today in my district and I said, where would, normally, gasoline prices be with $90 oil? If it stays there, now it has to stay there a while until the system becomes $90 oil because it's not $90 oil yet in the system. He said it will be about $3.29 or $3.30 gasoline. What does that do to the American homeowner, the American family trying to raise their children and go to work, go to school and travel, $3.29 to $3.30 gasoline?

We're going to have record-setting home heating oil prices this year for both natural gas, and particularly home heating oil. We already have record-setting prices for fuel oil for trucks, record-setting prices.

Now, the Senate passed a bill some months ago and the House passed a bill some months ago. And we heard a lot of chatter here a few moments ago about conferencing on the appropriations bill; and that's appropriate, but this week, last week, the week before, I have not heard any mention of conferencing on an energy bill for America. I don't know why they're not getting together. I guess it's just not a priority.

You now, why do we have record-setting oil prices? Because for three administrations in a row and 26 years of congressional rule we have locked up America's best oil and gas reserves. Then we can go up here to Alaska, and there are even larger spots up there locked up.

Now, I remember the arguments decades ago when gas was $2 a thousand and oil was $10 a barrel. People said, yes, we should use their cheaper energy and we should save ours. Should we be saving ours when it's $90 a barrel?

I don't know if you watched ''60 Minutes'' 2 weeks ago and watched Dubai build cities, build islands, build immense properties with our cash. That part of the world is enriched. They're buying our debt, they're buying our facilities, they're buying our buildings, they're buying our infrastructure because they have so much cash because $90 oil will enrich them far greater than they were enriched at $50 and $60 oil.

When is America going to realize, when is this Congress going to realize that high energy prices, the only way to fight them is to increase supply of all of our energy sources. They are market driven on Wall Street. Every day they're trading them on Wall Street. And when there's a shortage in the world, the prices go up. When there's a storm in the gulf, prices go up. When something happens in a country that produces two or three million barrels a day, prices go up because there is going to be a shortage.

Now, these are not caused by weather. These are caused by congressional action, not inaction, action. We have locked this up. This outer area is known as the Outer Continental Shelf. Should we produce there? It appears Congress thinks we shouldn't. Does Canada produce there? Yes. Does Norway produce there? Yes. Does Sweden produce there? Yes. Does Australia and New Zealand? Yes. Does Denmark? Yes. Do South American countries produce there? Yes. Is there another country in the world that doesn't produce on the Outer Continental Shelf? No.

America is the only Nation who has decided to lock up its energy resources. And maybe they were right when it was $2 for gas and $10 for oil, and we'll use theirs while it's cheap; but it's not cheap anymore.

I met recently with someone from the Department of State on energy, and they shared with me their concern that $75 oil would put this country, and maybe the world, into a recession. It didn't. But energy is such a part of our overall economy, overall lives, that when it reaches a certain point, it will put us into a recession. Every recession we've had goes to energy spikes, in the seventies, in the eighties and in the nineties. Energy prices have an immense impact on the economic future of our country, yet we sat here today, a body that's not even talking, Congress is not even talking about the energy crisis.

In fact, I guess they don't think it's a crisis. I thought it was a crisis for a number of years and I've been speaking out for a number of years, and I'm going to keep speaking out until this body decides that energy is something we need to deal with.

Now, why is energy so high? Well, what people don't realize, I was talking to a gentleman today from a world oil company, Statoil in Norway, stopped into my office just to talk. And he said the world is astounded by the amount of energy being used by China and India, the two largest populations in the world, as their economies are almost exploding with their population. Those two countries are moving forward with tremendous growth in their economies. Their energy use is growing between 15 and 20 percent per year. And their thirst for oil and gas and all other energy sources are causing the world's shortage.

We've never had competitors before. America has always been the big dog in the world marketplace. We've always been the big dog in the energy market. China will soon pass us in energy usage, and India is climbing fast.

And then you have all of developing South America. The developing world starts to use energy when they go from life on a desert, or nomad on a desert, to where they're living a life like we live. They use energy. They use electricity. They use heat. They use fuel in a vehicle. That's happening all over the world. So the demand for energy continues.

□ 1800

It is interesting. China has just made a deal with Cuba. They are going to be drilling 45 miles off the Florida coast and we can't drill within 200 miles. Does that make sense? Cuba and China will be producing oil 45 miles. Cuba is cutting deals with Canada, with Norway, and a number of other countries, I think maybe Russia, I am not sure on that one, but I know with China, where they are going to be producing oil actually within our 200-mile limit. They are

going to be producing oil where we can be producing oil, but we have chosen not to. We have chosen.

What does America want Congress to do? I think Americans want us to deal with the energy issue. They want available, affordable energy so they can heat their homes, they can drive to work and school, and they can live a decent life.

What does this Congress have on the table to deal with energy? Let's take a look.

These are some of the things that are in the energy bills that will be looked at in the House and the Senate. Does it produce more energy? No. We call it the ''no energy bill.'' It locks up 9 trillion cubic feet of American natural gas. The Roan Plateau. Why? I don't know. It is prepared. It is ready to be produced. It is ready to take to market. But, no, this Congress is going to say, ''That is off limits, too.'' This bill cuts off production from the Roan Plateau, a huge, clean natural gas field in Colorado that was set aside as a naval oil shale reserve in 1912 because of its rich energy resource. This means that 9 trillion cubic feet of natural gas, more than all the natural gas from the bill passed last year in the Gulf, off limits. It has already gone through the NEPA process. That is the Environmental Impact Statement, and they passed them. It is ready for lease sale. This provision was not in the original Natural Resources Committee bill but was added without hearings, without any input, any debate and very little discussion in Congress.

The next one, this one requires the redundant environmental studies to place a second well on existing oil and gas drilling pads. It really locks up 18 percent of the Federal onshore production of American natural gas. It guts the category exclusion provision from the Energy Policy Act of 2005, a provision I authored and I understand it. What it did was, NEPA is an act we have that you have to go through an environmental assessment to do anything. It takes almost a year to do this environmental assessment. I had people tell me in the West who had leased land, 5, 6 and 7 years ago and hadn't drilled a well yet because they were doing their fifth, six and seventh NEPA. They had to do a NEPA on the original plan. Then they had to do a NEPA where they were going to build the roads. Then they had to do a NEPA on every well site. Every time they turned a corner they had to do another NEPA, and they hadn't gotten a well drilled. It was being utilized to thwart energy production because they believed we shouldn't produce energy. So we took away the redundant NEPAs, and now they want to put them back.

Now, this one is really interesting. It locks up 2 trillion barrels of American oil from the western oil shale. What is western oil shale? This is an oil shale reserve in the West that some say has enough oil to supply us for several hundred years. We have to refine the process of removing it from the shale rock that it is in. It is somewhat similar to what the Canadians have done with tar sands. They have been talking about tar sands in Canada since I was a kid as being a great oil reserve. They have worked at it to where now they are getting about 1½ million barrels a day. Their goal is soon to have, in some period of time, to have 4 million barrels a day. We are going to be the benefactor because we buy most of it, because we import a lot of oil. Thankfully, Canada produces a lot more than we do. They have worked at the tar sands with process to release that oil from those tar sands. It takes a lot of energy to do it. It takes a lot of natural gas to do it. They are fortunate. They have a lot of natural gas there, too, and they produce theirs. We don't produce ours. But we are going to lock up the shale oil. We are going to stop the production of it. We are going to stop the experiments of trying to get that shale oil so Americans can have some of their own oil and not have to pay foreign countries $90 a barrel for it.

Do you know what is scary about $90 oil? That is without a storm in the Gulf. It is without a dictatorship tipping over. It is without terrorist attacks. If any one of those happened tomorrow, if we have a storm in the Gulf, I had two energy experts tell me this morning, I said, ''What will oil be?'' They said, ''$120 a barrel if a major storm hits the Gulf that disrupts our refineries and disrupts our oil supply.''

Folks, we are already in trouble. We better pray that we don't have a storm. We better pray that dictatorships stay stable. I don't know about you, but I am not comfortable with that. I am not comfortable with this process we are in. It also locks up 10 billion barrels of oil from the National Petroleum Reserve in Alaska. Why? Many of those oil reserves up there are tundra. They are frozen ground. There is little life. But we are saying we are not going to produce it. They want to produce it. The Alaskans beg to produce it. But Congress says ''no.'' Legal offshore contracts are being thwarted. We have legislation moving because of contracts that had royalty incentives in them that they think are too low. Now, whether they are or not, Congress doesn't have the right to change legal contracts. The Clinton administration signed them. They are law. They are a contract. But that is part of our legislation.

This one is really crazy. There are a lot of Members of Congress that hate the oil companies. I won't say that I am in love with them. But a $15 billion tax increase on the American oil and gas industry. When we tax the production of energy on our shores, that means we are less competitive and we are more likely to buy energy offshore.

And we will get to that chart in a minute. We are tremendously dependent on foreign energy. For us to tax, what they are doing was when we had the corporate tax cut for employers to grow in this country, we had a 4 percent cut. They are taking that away. The manufacturer right down the street will pay 4 percent less tax than the guy who produces energy right up the street. I don't think that makes sense, because when you increase the taxation on energy, the users pay it. The gasoline price goes up. The fuel oil price goes up. The natural gas price goes up. We are taxing ourselves. And it seems to me $90 oil is enough. Why do we want to tax it?

While they are trying to get at big oil, I have American Refinery, a little 10,000-barrel refinery in Bradford. It used to be Kendall Refining. They now pay the higher priced taxes. That was a company that we put together a few years ago. The State government helped them. When Kendall left us and we had a refinery and the Kendall brand got sold off to another company, and American Refinery, a smaller company came in and bought it, I used to say it was put together with chewing gum and rubber bands. But it worked. We now have 400, 500 employees there. They are a growing company. They have developed another brand. They are entrepreneurs. They are doing good. And we are going to make them pay higher taxes.

United Refinery in Warren, not big oil. But they provided the gasoline for most of New York State and Pennsylvania. They are going to pay 4 percent more now in income taxes. And who pays it? We do by raising the cost of energy.

Now this one down here I find frightening. There is nothing in the Democrats' bill about coal to liquid or coal to gas. It would seem like when we had 70 and $80 oil, that was enough incentive that we ought to start figuring out how we make liquid energy out of coal. Not burn it; turn it into gas. There are processes to do that. In World War II, Germany fought us because we barricaded them. We didn't allow them to have oil shipments. They had to make their own energy. The Germans are pretty smart people. They figured out how to make it out of coal, the Fischer-Tropsch method and several other methods. Penn State has just developed a process to make jet fuel out of coal. Instead of us incentivizing and promoting energy from coal and liquids and gas so we learn how to do it so we get it streamlined, so we make it compete with oil, so we would be less dependent on 90 or $100 oil. No, we are not going to do that because coal has CO_2. We can't do anything that puts carbon in the air.

I said to some I was arguing with recently, well, let's start eight plants, and we will give them a dual role. We will say, ''We want you to streamline the Fischer-Tropsch process and you streamline this process, and let's get it going. Your secondary mission will be to sequester the carbon and figure out how to deal with it. Let's practice. Let's get to work at it.'' No, we can't do that. Coal is out.

I see coal electric plants all over this country being turned down for permits. That is going to have a huge impact on electric prices because nuclear and coal are the cheapest electric prices we have. Coal to liquid should be something, and coal to gas should be things that we are incentivizing.

Now, the interesting one down here at the bottom, raises false expectations by mandating unrealistic 15 percent RPS. Now, what is RPS? It is renewable portfolio. It says that companies making electricity in America have to use 15 percent, they have to produce 15 percent of it from renewables. I am for that. But when you mandate it by law, and it is not achievable, what happens? They are going to pay penalties. Who is going to pay the penalties? The electric users. Or they are going to cheat. Currently we make 3 percent of our electricity from renewables, 3 percent. And we are going to mandate 15 percent.

Now, Pennsylvania has a mandate. But they were smart. They have waste coal. They use the cleanest process they know. But that is being included in their standards, renewable standards, using the waste coal where we clean up the environment when we get rid of that runoff from the coal piles. So Pennsylvania was smart. They are using it. Now, some States will be able to do it more so than others. But some States, if you have a lot of wind farms, the only States that come to mind with real sizable wind farms that produce any amount of wind energy is north Texas and North Dakota. They will be able to do some wind. Solar is still on the margins everywhere. We are hoping and praying solar becomes a bigger factor. But we are going to say that we have to produce 15 percent of electricity from renewables. I wish that was simple. But it is not.

Let's look for a moment at where our energy use is. Currently, 40 percent of our energy is petroleum. And 66 percent of that comes from foreign countries. A lot of them unstable dictatorships. Natural gas is now 23 percent and fast growing. Coal is 23 percent, and I say will soon be shrinking because Federal policies, Federal regulators and EPA are making it very difficult to permit a new coal plant. There are many Members of Congress who don't want new coal plants, even though they are using the newest, cleanest methods.

Nuclear is at 8 percent and shrinking because the amount of electricity is growing, but nuclear has been studied. Now, there are 35 plants starting the process of permitting. The 2005 act speeded up the process.

□ 1815

It used to take 10 years to get a permit. They have told them they have to do that in 4 years, then it takes another 4 to 5 years to build the plant. For a new nuclear plant to begin producing electricity, you're probably going to be looking at a minimum of 10 years. There's one, I think, that has a complete application in; the rest are in the process. Now there are 35 that are in the process, and we need them all permitted by 2030 and built and producing electricity to keep nuclear at 8 percent of our grid, just to keep status quo. That means we are going to have to have more of something else. And if we don't meet that goal, we are going to have to have more of something else to replace nuclear.

Hydroelectric is 2.7 percent of our overall energy power. Nuclear is actually 20 percent of the grid, but 8 percent of overall. Hydroelectric is 2.7 percent. Again, a figure that is dropping because as energy use rises and it remains static, and there are many Members of Congress who want most of our dams in place torn down. When they tear a dam out, we lose hydroelectric power because they don't believe we should have ever built dams.

Now, the only energy field portfolio that is showing pretty steady growth is biomass. That surprises a lot of people. That is wood waste. This year more and more Americans will heat their homes with pellet stoves. Pellet stoves are saw dust, wood waste pressed into a pellet, put in a nice heating unit in your home. They can be put in fireplaces. More and more Americans, many use wood stoves, but they are now using pellet stoves. People who can't cut wood or don't have access to wood, and that is biomass, wood waste.

There are many companies in the wooded areas where there's a timber industry that heats their factories with wood waste because they have it. They take the old trash wood and they grind it up and they burn it. We have dry kilns in the timber industry. We used to run them all with natural gas. Now they can't afford to. They are putting in wood waste boilers.

In fact, I had a friend a couple of years ago when I saw gas prices rising, I said to him, How do you dry your wood? I knew they had two plants. They said, Well, we use natural gas. I said, Had you ever thought of putting wood waste? He said, No, why would we do that? I said, Well, natural gas is going to get pretty expensive.

Well, they had a little meeting about it and decided not to do it. A couple of months later they called me and said, How did you know gas prices were going up? I said, Well, I just knew it. They said, We got our new contract and our prices quadrupled and we can't afford to dry wood with gas anymore. But it took them a year to buy the equipment to put in a biomass burner.

There are many coal power plants who are topping off their load with wood waste so they get under the EPA standards, because wood burns a lot cleaner than many fuels. So the new hope for biomass is cellulosic ethanol. Now, that is still in the test tube. This administration is pushing six new plants. Even though it's still in the test tube, there are those who think they are close to the process.

Now, geothermal is one that we have high hopes for. That is where you use groundwater temperature. You either pump water out of an aquifer and put it back after you take heat out of it, or take coal out of it; or you put in a big loop system and fill it with water and use the ground to cool and warm the water after you have used it.

Now, wind and solar are the ones we have tremendous hope for. Windmills are being talked about everywhere. Solar. What a lot of Americans don't realize is they are not ready to take over. We have a growth curve in the use of energy.

These renewables at the bottom people think can supply our future needs, and we don't need to drill and we don't need to use gas and we don't need to use coal. And most of them don't want nuclear either. This is what we have to use. I wish it was growing at the rate that it would fill the bill. I wish it was ready to take over. It's not. We are incentivizing, we are supporting, we are subsidizing; but it has to become where it will pay for itself somewhere down the road. Though it's growing, when you multiply wind by two, it takes years to double it; solar by two, it's still a very small part.

Let's just talk about where we get our oil, once again. We are actually higher than 60. We are up here at 66, because this is a 2-year-old chart. We are up here at 66. We are increasing dependence on foreign oil 2 percent a year. Now, if we pass the Democrat plan, I predict our only option, if we pass this plan and take gas off the table and oil off the table, we will increase 3 percent a year in the future.

Foreign dependence, unstable dictatorships: 90 percent of the world's oil is owned, produced and marketed by a government-owned oil company, a dictator. Our best friend ought to be Canada. We buy more oil from Canada than anybody, and we buy most of the 17 percent of our natural gas. We import I think about 15 percent of it comes from Canada. So we should be saying: Thank you, Canada.

But when it comes to oil dependence, and I hear people on the House floor talk all the time oil independence, we have got to be independent, there is no way in the next decade America could even conceive of being oil independent. Anybody who says that doesn't know the numbers, doesn't know the facts. At the same time, they say you can't drill out here and drill off the coast and you can't drill in the Midwest and Alaska, but we want to be energy independent, wind, solar and geothermal. I wish they were right, but they are not.

These are just the facts, folk. These aren't opinions; these are just the facts. Here's the supply of natural gas. Natural gas is becoming the choice fuel because we use it to make ethanol, we use it to make fertilizer to grow the corn to make ethanol, we use it to make hydrogen, we use it to make most of our products. I will show you that chart in a minute.

Natural gas is the one that is going to have tremendous pressure upon it.

It's the one that heats 58 percent of our homes. It's the fuel we ought to be the most concerned about. Why? It's not as bad price-wise today as oil. But when oil is $90 a barrel, the whole world pays that, and so all our competitors that we compete with in the global marketplace pay that. But we have one of the highest prices for natural gas of anyplace in the world.

On this chart, there is $1.85, $4.90, $1.65, and $7.20 is about our price. Russia, $1.50. But Trinidad is the one I am worried about. They are building every kind of manufacturing plant known to man in Trinidad. That is a very short shipping distance from the United States. If we think China is tough competition, wait until Trinidad starts making our bricks and our glass and our bulk commodities, because their natural gas prices are a fraction.

You know, I want the American working people to have a job. When we look at the next chart, we will see why natural gas is the one we should be most concerned about. Most people don't realize that natural gas is the feedstock for all these products. I don't mean that it is just the energy we use to make them. It is part of the ingredient.

I mentioned fertilizer a little bit ago. The fertilizer we grow corn with, one part of it is 70 percent natural gas. There is another one, I can't remember the name, some sort of ammonia, it is 90 percent natural gas. Natural gas is what we make it out of. So farmers are paying huge prices for energy, and in the last 2 years, 50 percent of our fertilizer business has gone offshore, and I find that very troubling. Whether it is household products, skin softeners are a derivative of natural gas, shampoos, pipe, clothing, plastic products, plastic bottles. All these products. Tires have natural gas to make them and natural gas as an ingredient.

It is the mother's milk of manufacturing in the world, and we are paying the highest prices for it of anybody in the world, and that puts American manufacturers and processors at a disadvantage. When oil is $90, the whole world pays, unless they have their own. If they are buying oil, they pay it. But natural gas, there is not a world marketplace because you can't just ship it around.

We buy about 2 percent of our natural gas, liquefied natural gas, called LNG, that comes in large tankers. Unfortunately, it comes from the same parts of the world where we buy our oil: foreign, unstable dictatorships.

Folks, energy for America, affordable energy for America should be the number one issue in this Congress. It should be the number one issue on the White House's agenda. It should be the number one issue in the Senate's agenda. Affordable energy for America.

Why should it be in crisis mode? Any of the things we have talked about, whether we are opening up the Continental Shelf, whether we are opening up land in the Midwest, wherever we are going to produce energy, whether we are going to do coal to liquids, whether we are going to do nuclear, all of those initiatives take 8 to 10 years before we have the energy to run America.

The longer we wait, the more trouble we are going to be in, because what is going to happen, it is my opinion, that Congress thinks little about America as a country that has to learn how to compete in the new global economy. The debate on being in the global economy is over. We are a global economy. We trade with everybody. We have to compete. There are developing countries everywhere, and we have to sharpen our tools, we have to sharpen our competitiveness, we have to help our manufacturers stay alive in this country.

The first thing we ought to do is give them decent energy prices, less litigation, better tax laws. You tax jobs because that is what you tax when you tax business. A lot of people say, we are just taxing business. Well, businesses are jobs. I was talking to a gentleman, a Member of the House the other day, I was talking about a cost to business we were debating about, and he said, they have got lots of money; they can pay for that.

I said, sir, they have choices. Do they grow this plant here, or do they grow this plant over here where costs are less?

They are going to grow that plant and their production where costs are less. It is a competitive world. They have to compete with competitors. And Congress needs to make priority number one helping American job makers, help American businesses compete. And that means affordable energy, legal reforms, tax cuts for business, regulatory reform to be fair to business, help our companies make sure they have the skilled workers they need with technology education, which we are terrible at in this country. We are a failure. We are one of the worst, teaching the working people the new skills they need.

It used to be 50 percent of Americans had to show up at a plant and within 6 weeks they knew their job and had a good job for the rest of their life. Not true today. Today you need to have skills, a set of skills that are certified with some sort of a 1-year or 2-year certificate that says, yes, he or she has this ability and she can provide this company with the skills they need to compete in the global marketplace.

America is being challenged, my friends. We are being challenged by fast-growing nations who have plans on action. On the energy side, China is opening a coal plant every 5 days. They are opening a new nuclear plant every month. They are building the biggest hydro-dams in the world. They are locking up oil and gas supplies all around the world. And we sit here and do not have a plan of action.

The 2005 energy bill had a lot of good pieces in it, and I want to congratulate all of those that created it and got it passed. It took like 4 years to pass it because this Congress didn't want to deal with energy. But, folks, it is not enough. It was just the starter. It was just the primer.

We are now challenged with a world shortage of energy. America must figure out how to have their own. Now, I agree, we have to conserve more. We have to use it more wisely. We have to teach Americans how to be careful and not waste energy. And we need to help small businesses be energy efficient, like big businesses.

Big businesses are cutting their energy bills. I have been told by many of them, they say we cut our energy bills 20 percent the last 4 years. But you know what? Energy costs us more, because energy prices are going up faster now.

□ 1830

And they were discouraged because they had worked so hard. Big business has the ability to figure out the cheapest way to do it, but many Americans don't understand and we need as a government to provide the technology and the education so that people know how to use energy wisely and purchase energy-efficient appliances and energy-efficient cars. We need to conserve.

But folks, we also need to have affordable energy to run this country. Folks, America is at the crossroads. Today it is $90 oil. Two weeks ago I was here, it was $80 oil. I didn't expect this. I predicted that energy prices would rise steadily this fall. I didn't think they would spike. We haven't had a storm in the Gulf which we were afraid of, we haven't had a country topple, which can cause 2 or 3 million barrels a day to come out of the system. We haven't had a terrorist attack which interrupted oil supply.

But in spite of that, we have fast-rising oil prices. If we couple that with any of the three I just mentioned, we have $100-$120 oil. I can guarantee you this country cannot afford $100 a barrel for oil and stay competitive and have a thriving economic base. We will go into the tank. We will be in a recession, and this Congress needs to take this issue seriously.

You know what bothers me in the Presidential debate, and I listened to two Presidential debates. The press asks the questions, and so I blame the press. The press doesn't take this issue seriously. The press doesn't understand this issue very well. If they did, they would be asking every Presidential candidate in every forum: What is your energy policy for affordable, available energy for America?

I haven't committed to a Presidential candidate yet because I don't see a candidate that has a good, well thought-out energy policy for America. That will be the issue the next President has to deal with because the Congress in the last decade, we have not adequately dealt with energy's availability and affordability for America.

Without a crisis, without a storm in the Gulf, we have $90 a barrel oil, and it hit $92 today. I am going to conclude my comments this evening with America needs a bona fide energy plan. We need to open up the Outer Continental Shelf where we are energy rich.

My legislation opens it up for natural gas, and I hope we can get it considered. I will conclude with that chart. Our bill says that the first 25 miles remain locked up, and you can only see for 11 to 12 miles, so nobody will even see it. It will not hurt the shoreline. It won't be unsightly. The second 25 miles are options of the State. If they want to open it, they can. The second 50 miles are open automatically for natural gas, but the States still have the right to close it if they choose to. By passing a law with the Governor's signature, they can keep it closed for the first 100 miles. The second 100 miles it is open. That is a pretty soft bill. That is not what I would like to do, but that is what I hope to coax this Congress into doing so we do something for natural gas.

We will give $150 billion in royalties to the States, $100 billion for the treasury, $32 billion for renewable energy. That's real money to help renewables; not promises, real money; $32 billion for carbon capture sequestration research, and that can come from the payments of royalties; $20 billion to clean up the Chesapeake Bay, exactly what they have been needing; $20 billion to clean up the Great Lakes restoration, exactly what they have been needing; $12 billion for the Everglades; $12 billion for the Colorado River basin; $12 billion for the San Francisco Bay restoration; and $10 billion to help the poorest of Americans winterize their homes and pay their heating bills in the wintertime.

Folks, the NEED Act is the act Congress needs to pass. We have 160-some cosponsors. It is bipartisan. The gentleman from Hawaii (Mr. ABERCROMBIE) is my co-partner on this bill. It is the bill that America needs to have in its energy package, but neither the House nor Senate are talking about it.

On top of natural gas and offshore, we need to have a plan for nuclear, the expansion of nuclear in America. We need to have a plan where we are moving forward with coal to liquids and coal to gas. We need to have a plan where we push wind and solar and all renewables. And yes, we should look at many dams we have that are not harnessed, harnessing them for hydro. There are many dams in America that could be harnessed for hydro.

And yes, we need to do ethanol and biodiesel and cellulosic ethanol. Landfill gas should never be flared. It should all be plugged into the energy pipeline. We need to get serious about not wasting energy in America, conserving energy in America, and producing energy for Americans that is affordable and available so this winter they can afford to heat their homes, they can afford to run their businesses, and the jobs will not be pushed offshore.

High energy prices have pushed more jobs offshore than any other fact that this Congress talks about. And energy has the potential of pushing almost every manufacturing and processing job that is left in America offshore if we don't deal with the energy issue. Energy is a crisis for the future economic viability of America.

I challenge this Congress, both bodies and the White House, to get serious about it. Affordable, available energy for America, we could do no more. That's the least we can do to make sure Americans have the quality of life that they should have, they have a right to, and they deserve.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Mr. HOYER) for today on account of San Diego wildfires.

Mr. DEFAZIO (at the request of Mr. HOYER) for today after 3:45 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today on account of a death in the family.

Ms. KILPATRICK (at the request of Mr. HOYER) for today after 2 p.m.

Mr. DREIER (at the request of Mr. BOEHNER) for today on account of inspecting wildfire damage in California with the President.

Mr. MCHENRY (at the request of Mr. BOEHNER) for today after 1 p.m. on account of personal reasons.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today after 3 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. HIRONO, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SMITH of Washington, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, November 1.

Mr. DENT, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, November 1.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. PRICE of Georgia, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. HASTINGS of Washington, for 5 minutes, October 30.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

ADJOURNMENT

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, October 29, 2007, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3879. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7989] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3880. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program for Commercial Equipment: Distribution Transformers Energy Conservation Standards; Final Rule [Docket No. EE-RM/STD-00-550] (RIN: 1904-AB08) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Uniform Compliance Date for Food Labeling Regulations [Docket No. 2000n-1596] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 2006F-0059] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Advisory Committee; Risk Communication Advisory Committee; Establishment — received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3884. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Designation of Oripavine as a Basic Controlled Substance

[Docket No. DEA-309F] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3885. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No. NHTSA-2006-27240] (RIN: 2127-AJ98) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3886. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Protection in Interior Impact; Side Impact Protection; Fuel System Integrity; Spillage and Electrical Shock Protection; Side-Impact Phase-In Reporting Requirements [Docket No. NHTSA-29134] (RIN: 2127-AJ10) received September 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3887. A letter from the Associate Division Chief, PCOOD, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Review of Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief [EB Docket No. 04-296] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3888. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Cable Television Consumer Protection and Competition Act of 1992 [MB Docket No. 07-29] Review of the Commission's Program Access Rules and Examination of Programming Tying Arrangements [MB Docket No. 07-198] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3889. A letter from the Deputy Division Chief, Comp. Policy. Div., Federal Communications Commission, transmitting the Commission's final rule — Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements [WC Docket No. 02-112] 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules [CC Docket No. 00-175] Petition of AT&T Inc. for Forbearance Under 47 U.S.C. 160(c) with Regard to Certain Dominant Carrier Regulations for In-Region, Interexchange Services [WC Docket No. 06-120] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3890. A letter from the Legal Advisor, WTB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 101 of the Commission's Rules to Modify Antenna Requirements for the 10.7 — 11.7 GHz Band [WT Docket No. 07-54, RM-11043] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3891. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Corona de Tucson, Sierra Vista, Tanque Verde, and Vail, Arizona, Animas, Lordsburg and Virden, New Mexico) [MB Docket No. 05-245; RM-11264; RM-11357] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3892. A letter from the Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — the Establishment of Policies and Service Rules for the Broadcasting-Satellite Service and the 17.3-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band [IB Docket No. 06-123] received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3893. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Limited Work Authorizations for Nuclear Power Plants (RIN: 3150-AI05) received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3894. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User: Addition of India as an Eligible Destination [Docket No. 070824480-7482-01] (RIN: 0694-AE13) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3895. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No. COTP San Juan 05-007] (RIN: 1625-AA87) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Port of Tampa, Rattlesnake, Big Bend, Florida [COTP Sector St. Petersburg, FL. 07-47] (RIN: 1625-AA87) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3897. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Section 965 Foreign Earnings Repatriation Directive #1 [LMSB Control No: LMSB-04-0907-063] received October 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3898. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2007-80] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3899. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.204: Changes in accounting periods and in methods of accounting. (Also Part 1, 442, 898, 1.442-1) (Rev. Proc. 2007-64) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3900. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Transportation Fringes [Notice 2007-76] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3901. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 482 CSA Buy-in Adjustments [LMSB-04-0907-062] received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1236. A bill to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, with amendments (Rept. 110–409 Pt. 1). Ordered to be printed.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3796. A bill to amend the Worker Adjustment and Retraining Notification Act to minimum the adverse effects of employment dislocation, and for other purposes; with an amendment (Rept. 110–410). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CANTOR:

H.R. 3964. A bill to amend the Public Health Service Act to address the incidence of staph infections in elementary and secondary schools; to the Committee on Energy and Commerce.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. PRYCE of Ohio):

H.R. 3965. A bill to extend the Mark-to-Market program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Ms. HIRONO:

H.R. 3966. A bill to provide for a statewide early childhood education professional development and career system, and for other purposes; to the Committee on Education and Labor.

By Mr. BURGESS:

H.R. 3967. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROSS:

H.R. 3968. A bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of services of qualified respiratory therapists performed under the general supervision of a physician; 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. MICA (for himself and Mr. ROSS):

H.R. 3969. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to dispose of excess materials, supplies, and equipment acquired pursuant to that Act to assist victims of major disasters, emergencies, and incidents, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RANGEL:

H.R. 3970. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief to low and moderate income individuals, to repeal the individual alternative minimum tax, to reform the corporate income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. SCOTT of Virginia (for himself and Mr. FORBES):

H.R. 3971. A bill to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mr. JEFFERSON, Mr. BRADY of Pennsylvania, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. GILCHREST, Ms. HOOLEY, Mr. FARR, Mr. DUNCAN, Ms. FOXX, Mr. GORDON, Mr. TIERNEY, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. HASTINGS of Florida, Mr. ANDREWS, Mr. FATTAH, Mr. BUTTERFIELD, Ms. HARMAN, Mr. RUSH, Mr. HARE, Mr. COSTELLO, Mr. EHLERS, Mr. MICHAUD, Mr. JONES of North Carolina, Mr. HONDA, and Ms. SHEA-PORTER):

H.R. 3972. A bill to amend the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days; to the Committee on the Judiciary.

By Mr. BERMAN (for himself and Mr. THOMPSON of California):

H.R. 3973. A bill to suspend temporarily the duty on certain reusable grocery bags; to the Committee on Ways and Means.

By Mr. CARTER (for himself, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. CULBERSON, Mr. SESSIONS, Mr. ORTIZ, Mr. DOGGETT, Mr. BURGESS, Mr. HALL of Texas, Mr. SMITH of Texas, Mr. REYES, Mr. HENSARLING, Mr. GENE GREEN of Texas, Mr. POE, Mr. EDWARDS, Mr. CONAWAY, Mr. GOHMERT, Ms. GRANGER, Mr. CUELLAR, Mr. BRADY of Texas, Mr. SAM JOHNSON of Texas, Mr. MCCAUL of Texas, Mr. BARTON of Texas, Mr. MARCHANT, Ms. JACKSON-LEE of Texas, Mr. NEUGEBAUER, Mr. AL GREEN of Texas, Mr. PAUL, Mr. LAMPSON, Mr. GONZALEZ, Mr. THORNBERRY, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3974. A bill to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the ''Marine Corps Corporal Steven P. Gill Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. CHABOT:

H.R. 3975. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mr. LEVIN (for himself, Mr. MCDERMOTT, Mr. RAMSTAD, and Mr. CROWLEY):

H.R. 3976. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for contributions of food inventory by all corporations; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 3977. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Ways and Means.

By Ms. MOORE of Wisconsin (for herself, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLISON, Mr. DAVIS of Illinois, Mr. WYNN, Mr. LEWIS of Georgia, Ms. WATSON, Ms. LEE, Mr. VAN HOLLEN, Mr. KIND, Ms. SCHAKOWSKY, and Ms. SHEA-PORTER):

H.R. 3978. A bill to amend the Elementary and Secondary Education Act to establish a program to improve the health and education of children through grants to expand school breakfast programs, and for other purposes; to the Committee on Education and Labor.

By Mr. PETRI (for himself and Mr. WU):

H.R. 3979. A bill to increase assessment accuracy to better measure student achievement and provide States with greater flexibility on assessment design; to the Committee on Education and Labor.

By Ms. SOLIS:

H.R. 3980. A bill to provide for safe and humane policies and procedures pertaining to the arrest, detention, and processing of aliens in immigration enforcement operations; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland (for himself and Mr. ABERCROMBIE):

H. Con. Res. 241. Concurrent resolution expressing the support for the enacting of joint custody laws for fit parents, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. BURTON of Indiana, Mr. PASCRELL, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 242. Concurrent resolution recognizing the two year anniversary of the earthquake that occurred in northern Pakistan in 2005 and urging the United States to continue to support rebuilding efforts in Pakistan in response to the conditions caused by that earthquake; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. REICHERT):

H. Res. 775. A resolution providing for consideration of the bill (H.R. 1366) to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on individuals; to the Committee on Rules.

By Mr. KING of Iowa (for himself, Mr. AKIN, Mr. TERRY, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. GOHMERT, Mr. GOODE, Ms. FOXX, Mr. SENSENBRENNER, Mr. HENSARLING, Mr. CAMPBELL of California, Mr. GARY G. MILLER of California, Mr. PAUL, Mr. MILLER of Florida, Mr. WESTMORELAND, Mr. BARTLETT of Maryland, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mrs. MUSGRAVE, Mr. PITTS, Mr. ROHRABACHER, Mr. MARCHANT, Ms. FALLIN, Mr. BROUN of Georgia, Mr. GARRETT of New Jersey, Mr. KLINE of Minnesota, Mrs. MYRICK, Mr. GINGREY, Mr. PEARCE, Mr. DUNCAN, Mr. FLAKE, Mr. CHABOT, and Mrs. CUBIN):

H. Res. 776. A resolution amending the Rules of the House of Representatives to require that rescission bills always be considered under open rules every year, and for other purposes; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 135: Mr. KINGSTON.

H.R. 158: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 368: Mr. GOHMERT.

H.R. 406: Mrs. CHRISTENSEN.

H.R. 415: Ms. TSONGAS.

H.R. 619: Mr. FARR, Mr. VAN HOLLEN, and Mr. HALL of New York.

H.R. 690: Mr. PALLONE.

H.R. 715: Ms. MATSUI, Mr. DOGGETT, and Ms. SCHAKOWSKY.

H.R. 719: Mr. ISSA.

H.R. 748: Mr. SIRES, Mr. WELCH of Vermont, Mrs. DRAKE, Mr. KUHL of New York, Mr. MEEK of Florida, Mr. TIERNEY, Mr. KLEIN of Florida, Mr. CARTER, Mr. CAPUANO, and Mr. DAVIS of Kentucky.

H.R. 818: Mr. HASTINGS of Florida, Mr. FILNER, and Mr. KUCINICH.

H.R. 864: Mr. MICHAUD.

H.R. 882: Mr. FEENEY, Mr. FATTAH, and Mr. COURTNEY.

H.R. 887: Mrs. LOWEY.

H.R. 897: Mr. FARR and Mr. MURPHY of Connecticut.

H.R. 1022: Mr. KUCINICH.

H.R. 1064: Ms. SHEA-PORTER.

H.R. 1102: Mr. PEARCE.

H. R.. 1108: Mr. JEFFERSON and Mr. MEEK of Florida.

H.R. 1125: Mr. LIPINSKI, Mr. PRICE of North Carolina, and Mr. NADLER.

H.R. 1134: Mr. WELCH of Vermont.

H.R. 1157: Ms. CLARKE and Mr. RUSH.

H.R. 1174: Mr. RYAN of Wisconsin, Mr. WOLF, Mr. VAN HOLLEN, Mr. THORNBERRY, Mr. MILLER of Florida, Mr. GERLACH, Mr. HOLDEN, and Mrs. CAPITO.

H.R. 1237: Mr. TIBERI, Mr. BARROW, Mr. PASCRELL, Mr. CASTLE, and Mr. UPTON.

H.R. 1275: Mr. CAPUANO.

H.R. 1293: Mr. MURPHY of Connecticut and Mrs. TAUSCHER.

H.R. 1359: Mr. PITTS.

H.R. 1363: Mr. JEFFERSON, Ms. HIRONO, Mrs. TAUSCHER, and Ms. WASSERMAN SCHULTZ.

H.R. 1419: Mr. WAMP.

H.R. 1420: Mr. JEFFERSON.

H.R. 1422: Mr. INSLEE.

H.R. 1464: Mr. BROWN of South Carolina.

H.R. 1474: Mr. JOHNSON of Georgia.

H.R. 1497: Mr. BARRETT of South Carolina and Mr. GERLACH.

H.R. 1514: Mrs. MCMORRIS RODGERS.

H.R. 1537: Mr. FATTAH.

H.R. 1553: Mrs. MCCARTHY of New York.

H.R. 1589: Mr. LOBIONDO, Mr. FORBES, and Mr. ELLSWORTH.

H.R. 1609: Mr. LEWIS of Georgia, Mrs. CUBIN, and Mr. GORDON.

H.R. 1610: Mr. SULLIVAN and Mr. GARRETT of New Jersey.

H.R. 1621: Mr. RANGEL.

H.R. 1665: Mr. WALBERG.

H.R. 1687: Mr. SHERMAN.

H.R. 1755: Mr. BLUMENAUER.

H.R. 1767: Mr. WICKER.

H.R. 1843: Mr. ISRAEL.

H.R. 1869: Mr. UDALL of Colorado.

H.R. 1884: Mr. REHBERG, Mr. DOYLE, Mr. MCNERNEY, Mr. SHIMKUS, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. COURTNEY, and Mr. LARSEN of Washington.

H.R. 1927: Mr. ELLSWORTH and Mr. PALLONE.

H.R. 1937: Mr. BOSWELL.

H.R. 1947: Mrs. TAUSCHER, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia.

H.R. 1983: Mr. THOMPSON of Mississippi.

H.R. 2016: Mr. OLVER, Ms. SUTTON, and Mr. WYNN.

H.R. 2046: Mr. MORAN of Virginia.

H.R. 2053: Mr. DUNCAN, Mr. RYAN of Ohio, Mr. BACHUS, Mr. PATRICK MURPHY of Pennsylvania, and Mr. CAPUANO.

H.R. 2063: Mr. RUPPERSBERGER.

H.R. 2064: Ms. WASSERMAN SCHULTZ, Mr. GUTIERREZ, Mr. PALLONE, Mr. OLVER, and Mr. BOSWELL.

H.R. 2066: Mr. SPACE.

H.R. 2073: Mr. GORDON.

H.R. 2091: Mr. MEEK of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. DENT, and Mr. LEWIS of Georgia.

H.R. 2092: Mr. VAN HOLLEN.
H.R. 2188: Mr. SPACE.
H.R. 2231: Mr. GRAVES and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 2303: Mr. PETERSON of Minnesota.
H.R. 2329: Mr. BOUCHER.
H.R. 2332: Mr. INGLIS of South Carolina, Mr. BARRETT of South Carolina, Mr. LOBIONDO, and Mr. SOUDER.
H.R. 2370: Mrs. NAPOLITANO and Ms. NORTON.
H.R. 2373: Ms. WASSERMAN SCHULTZ.
H.R. 2412: Mr. MOORE of Kansas and Ms. SCHAKOWSKY.
H.R. 2417: Mr. PALLONE.
H.R. 2421: Mr. BRALEY of Iowa.
H.R. 2452: Mr. SERRANO.
H.R. 2472: Mr. LINDER and Mr. SOUDER.
H.R. 2511: Mr. SESTAK and Mr. HASTINGS of Florida.
H.R. 2517: Mr. WALDEN of Oregon.
H.R. 2550: Mr. BROWN of South Carolina and Mr. REICHERT.
H.R. 2634: Ms. ESHOO, Mr. ENGEL, Mr. MEEK of Florida, Mr. DELAHUNT, and Mr. BISHOP of New York.
H.R. 2668: Ms. WASSERMAN SCHULTZ.
H.R. 2686: Mr. COSTA.
H.R. 2702: Mr. DONNELLY and Mr. PALLONE.
H.R. 2744: Mr. LIPINSKI, Mr. PALLONE, Mr. INSLEE, and Ms. DEGETTE.
H.R. 2805: Mr. SESTAK, Mr. HINCHEY, and Ms. SCHWARTZ.
H.R. 2820: Mr. ELLSWORTH.
H.R. 2911: Mr. KUCINICH.
H.R. 2927: Mr. BILIRAKIS and Mrs. CUBIN.
H.R. 2933: Mr. BONNER, Mr. ANDREWS, and Mr. ROGERS of Kentucky.
H.R. 2965: Mr. SERRANO, Mr. SHAYS, Mr. KLEIN of Florida, Mr. WEXLER, and Mrs. MCMORRIS RODGERS.
H.R. 2990: Mr. COLE of Oklahoma and Mr. MARKEY.
H.R. 3001: Mr. FRANK of Massachusetts.
H.R. 3016: Mrs. CUBIN.
H.R. 3054: Mr. KUCINICH.
H.R. 3098: Mr. DAVIS of Alabama.
H.R. 3119: Mr. PAYNE.
H.R. 3132: Mr. HASTINGS of Florida.
H.R. 3140: Mr. UPTON, Mr. MCGOVERN, Mr. HINCHEY, Mr. LARSEN of Washington, Mr. MILLER of North Carolina, and Mr. PASTOR.
H.R. 3148: Mr. FRANKS of Arizona, and Mr. DAVID DAVIS of Tennessee.
H.R. 3175: Mr. CROWLEY and Ms. SLAUGHTER.
H.R. 3191: Mr. KUHL of New York.
H.R. 3212: Mr. PALLONE.
H.R. 3256: Ms. SHEA-PORTER.
H.R. 3298: Mr. MURPHY of Connecticut.
H.R. 3326: Mr. NADLER, Mr. COHEN, Mr. LEWIS of Georgia, Mr. SERRANO, and Mr. MCGOVERN.
H.R. 3334: Mr. WESTMORELAND.
H.R. 3357: Mr. LATHAM, Ms. GIFFORDS, Mr. SNYDER, and Mr. MCNERNEY.
H.R. 3380: Mr. HAYES and Mr. BURTON of Indiana.
H.R. 3385: Mr. RUSH and Mr. BISHOP of Georgia.
H.R. 3439: Mr. HASTINGS of Florida.
H.R. 3453: Ms. HIRONO.
H.R. 3461: Mr. LAMPSON, Mr. ARCURI, Mr. BRALEY of Iowa, Mr. BARROW, and Mrs. GILLIBRAND.
H.R. 3466: Mr. SPACE.
H.R. 3481: Mr. PETERSON of Minnesota, Mr. JOHNSON of Georgia, Mr. COURTNEY, Mr. SESTAK, and Mr. TIERNEY.
H.R. 3495: Mr. COHEN.
H.R. 3508: Mr. SHUSTER, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. CAMP of Michigan, Mr. ROSKAM, Mr. MANZULLO, Mr. RYAN of Wisconsin, Mr. PENCE, Mrs. MUSGRAVE, MR. AKIN, Mr. FORBES, Mr. BROUN of Georgia, Mr. GOHMERT, Mr. PRICE of Georgia, Mr. JORDAN, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mrs. BACHMANN, Mr. FLAKE, Mr. BARTLETT of Maryland, Mr. WESTMORELAND, Mr. FEENEY, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. LUCAS, Mr. LINDER, Mr. SHADEGG, Mr. GOODE, Ms. FALLIN, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. FORTUÑO, Mr. BROWN of South Carolina, Mrs. BLACKBURN, and Mr. CAMPBELL of California.
H.R. 3526: Mr. DINGELL.
H.R. 3533: Mr. HONDA and Mr. BACHUS.
H.R. 3545: Ms. HERSETH SANDLIN.
H.R. 3547: Mr. WYNN and Mr. BISHOP of Georgia.
H.R. 3558: Mr. CAPUANO.
H.R. 3577: Mr. BOOZMAN.
H.R. 3578: Mr. BARROW and Mr. BOSWELL.
H.R. 3609: Mr. HARE and Mr. ACKERMAN.
H.R. 3631: Mr. SHAYS.
H.R. 3652: Mr. KILDEE.
H.R. 3654: Mr. MATHESON, Mr. JEFFERSON, Mr. CONAWAY, and Mr. GOODLATTE.
H.R. 3660: Mr. MURPHY of Connecticut.
H.R. 3681: Mr. SPACE and Mr. CARNEY.
H.R. 3689: Mr. BOUCHER, Ms. SUTTON, and Mr. BACHUS.
H.R. 3691: Mr. NADLER and Mr. PRICE of North Carolina.
H.R. 3700: Mr. GENE GREEN of Texas, and Ms. HERSETH SANDLIN.
H.R. 3707: Mrs. MALONEY of New York and Mr. KING of New York.
H.R. 3717: Mr. HARE.
H.R. 3737: Mr. BECERRA.
H.R. 3779: Mr. SALI.
H.R. 3781: Mr. SOUDER.
H.R. 3782: Mr. DAVIS of Illinois.
H.R. 3793: Mr. SMITH of Washington, Ms. WASSERMAN SCHULTZ, and Mr. MURPHY of Connecticut.
H.R. 3797: Ms. ESHOO, Mr. MCGOVERN, and Mr. MILLER of North Carolina.
H.R. 3815: Mr. SMITH of Washington.
H.R. 3818: Mr. PETERSON of Pennsylvania, Mrs. BONO, Mr. WAMP, Mr. POE, Mrs. CUBIN, Mr. MACK, and Mr. GARY G. MILLER of California.
H.R. 3845: Mr. LEWIS of Georgia, Ms. BORDALLO, Mr. DUNCAN, Ms. BERKLEY, Mr. VAN HOLLEN, and Mr. HILL.
H.R. 3846: Mr. JEFFERSON, Mr. HARE, and Mr. NADLER.
H.R. 3857: Mrs. MCMORRIS RODGERS, Mr. MANZULLO, Mr. WILSON of South Carolina, Mr. FORTUÑO, Mr. GINGREY, Mr. KINGSTON, Mr. PITTS, Mr. KLINE of Minnesota, Ms. FOXX, Mr. WALBERG, Mr. KUHL of New York, Mr. GOODE, Mr. CAMPBELL of California, Mr. PENCE, Mr. CANTOR, Mr. ROSKAM, Mr. PRICE of Georgia, Mr. SHADEGG, Mr. SALI, and Mr. HENSARLING.
H.R. 3865: Mr. HASTINGS of Florida, Ms. SHEA-PORTER, Mr. MICHAUD, and Mr. PETERSON of Pennsylvania.
H.R. 3874: Mr. MILLER of Florida, Mr. CONAWAY, and Mr. COHEN.
H.R. 3877: Mr. UDALL of Colorado.
H.R. 3882: Mr. COURTNEY, Mr. CONAWAY, Mr. SESTAK, Mr. PATRICK MURPHY of Pennsylvania, Ms. SUTTON, Mr. MICHAUD, Mr. VISCLOSKY, Ms. BERKLEY, Mr. YARMUTH, Mr. ALTMIRE, Ms. CARSON, Mr. SIRES, Mr. MORAN of Kansas, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3888: Mr. SHUSTER, Mr. LINDER, and Mr. SOUDER.
H.R. 3915: Ms. KAPTUR and Ms. SUTTON.
H.R. 3920: Mr. SARBANES, Mr. HINOJOSA, and Mr. DONNELLY.
H.R. 3932: Mr. HARE and Mr. ALLEN.
H.R. 3947: Mrs. TAUSCHER.
H.R. 3950: Mr. GOODE.
H.R. 3963: Mr. PALLONE, Mrs. CAPPS, Mr. GENE GREEN of Texas, Mrs. WILSON of New Mexico, Mr. WYNN, Mr. DOYLE, Ms. BALDWIN, Mr. ENGEL, Ms. ESHOO, Mr. BOUCHER, Ms. HOOLEY, Mr. TOWNS, Mr. MATHESON, Mr. WAXMAN, Ms. SOLIS, Ms. HARMAN, Mr. INSLEE, Mr. MARKEY, Mr. ALLEN, Mr. BARROW, Mr. STUPAK, and Mr. ROSS.
H. Con. Res. 70: Mr. CALVERT.
H. Con. Res. 81: Mr. GRIJALVA, Mr. HINCHEY, and Ms. MATSUI.
H. Con. Res. 215: Mr. GARRETT of New Jersey, Mr. PORTER, Mr. ALEXANDER, Mr. BARRETT of South Carolina, Mr. TERRY, Ms. FOXX, Mr. DOOLITTLE, Mr. HERGER, Mr. REICHERT, Mrs. DRAKE, Mr. REHBERG, Mr. BONNER, Mr. BAKER, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. MCHUGH, Mr. CONAWAY, Mr. WALBERG, Mr. KLINE of Minnesota, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. KINGSTON, Mr. GINGREY, Mr. FORTUÑO, MR. WILSON of South Carolina, Mr. MANZULLO, Mr. NEUGEBAUER, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. FORTENBERRY, Mr. WAMP, Mr. PRICE of Georgia, Mr. SHADEGG, and Mr. SPACE.
H. Con. Res. 235: Mr. KUHL of New York and Mr. TOWNS.
H. Con. Res. 239: Mr. WHITFIELD.
H. Res. 71: Mr. HIGGINS.
H. Res. 111: Ms. BERKLEY, Mr. JEFFERSON, Mr. LATOURETTE, Mr. CHANDLER, and Mr. KILDEE.
H. Res. 163: Mr. FRANK of Massachusetts, Mr. ELLISON, and Mr. RANGEL.
H. Res. 525: Mr. JACKSON of Illinois.
H. Res. 578: Mr. MARSHALL, Mr. GILCHREST, Mr. MAHONEY of Florida, Mrs. EMERSON, and Mr. BISHOP of Georgia.
H. Res. 661: Mr. MCGOVERN.
H. Res. 695: Mr. BAKER, Mr. CALVERT, Mr. KING of New York, Mr. SHUSTER, and Mr. WALBERG.
H. Res. 705: Mr. LINCOLN DAVIS of Tennessee, Mr. BOOZMAN, and Mr. MACK.
H. Res. 713: Mr. SESTAK, Mr. ENGEL, Ms. WATSON, and Mr. ACKERMAN.
H. Res. 715: Mr. GARY G. MILLER of California.
H. Res. 743: Mr. PALLONE, Mr. PASCRELL, and Mr. MCGOVERN.
H. Res. 747: Mr. SHERMAN.
H. Res. 748: Mr. CHABOT and Mr. COLE of Oklahoma.
H. Res. 760: Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mrs. TAUSCHER, Mr. AL GREEN of Texas, Mr. BUCHANAN, Mrs. MCCARTHY of New York, Mr. GILCHREST, Mr. RUPPERSBERGER, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. KIND, Mr. MCDERMOTT, Ms. SOLIS, Mr. HOLT, Mr. KAGEN, Ms. RICHARDSON, and Mr. COOPER.
H. Res. 769: Mr. TAYLOR, Mr. SHAYS, Mr. COBLE, and Mr. SKELTON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3, by Mr. PENCE on House Resolution 664: Joe Barton, Paul Ryan, Frank R. Wolf, Deborah Pryce, Steve Chabot, John Sullivan, John Linder, Roscoe G. Bartlett, Thomas G. Tancredo, George Radanovich, Rodney P. Frelinghuysen, Mike Rogers, Thomas E. Petri, Richard H. Baker, Jerry Lewis, Howard Coble, Peter Hoekstra, Michael N. Castle, Wayne T. Gilchrest, Elton Gallegly, Jerry Weller, C. W. Bill Young, John Boozman, John L. Mica, Devin Nunes, Jim Saxton, Tom Davis, Ron Paul, Jack Kingston, Kenny C. Hulshof, Vernon J. Ehlers, Ed Whitfield, Randy J. Forbes, Rick Renzi, Peter T. King, Walter B. Jones, Jim McCrery, David L. Hobson, John E. Peterson, Mark E. Souder, Tim Murphy, Vern Buchanan, and Joe Knollenberg.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, OCTOBER 25, 2007 No. 163

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KEN SALAZAR, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Almighty God, the fountain of wisdom and strength, thank You for the beauty and glory of this day. With Your life, You have provided us with a model of excellence. With Your sacrifice, You have infused us with victory for yesterday, strength for today, and bright hope for tomorrow. Lord, with Your presence, You have imparted a love that never fades, and with Your guidance, we have found dreams that lead to abundance. Lead on, Great King Eternal, for we follow not in fear.

Guide the Members of this body to new levels of excellence. Give them robust health, faith for their perplexities, wisdom for their decisions, and light for the path ahead. Make them willing to be instruments of Your providence.

We pray in Your marvelous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KEN SALAZAR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KEN SALAZAR, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. SALAZAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to have an hour of morning business. The time is controlled by the two leaders. The Republicans control the first half, the Democrats the second half.

Following morning business, the Senate will resume consideration of Amtrak. Last night, an agreement was entered into regarding consideration of the pending Sununu amendment relating to rail subsidies. There will be 2 hours of debate on that amendment. Votes are expected sometime around 11:30 or 11:40 today.

I would say that the Republican leader and I just had a conversation. We have to check with a couple of Senators on each side. What we might try to do to get out of the procedural problem we have now—because we do have one with this—is we may try to set up a couple of competing votes. We will try to do that. We know the issue is pretty well formed. We know what one side wants, and we know what the other side wants. So it is probably appropriate that we set something up so that we can vote on both of them. What has been suggested is that we have a 60-vote margin on both of them, which, of course, is certainly done on occasion around here.

So as soon as I finish here, I am going to go make a couple of calls to my Senators and see if we can have Senator MCCONNELL—if he has any problems on his side, he will do the same, and maybe we can enter into some kind of an agreement and vote at 11:30, maybe two votes. We are on top of that. I think it would be a way to move into this bill so that we are actually debating the railroad Amtrak issues rather than this Internet issue, which is important, and it has to be decided within the next few days one way or the other because otherwise it expires. So that is where we are.

There should be amendments throughout the day. I know I have had one Senator who asked me if there will be votes tonight, and I think it is very likely there will be votes tonight. So I think anyone considering going to Boston to watch the World Series might not be able to do that.

MEASURE PLACED ON THE CALENDAR—H.R. 3564

Mr. REID. Mr. President, H.R. 3564 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the title of the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3564) 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.

Mr. REID. I now object to any further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that any time Senator MCCONNELL and I use not be charged against the time for the two sides on morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. REID. Mr. President, 5 years ago today, the Senate lost one of its hardest working, most respected Members: Senator Paul Wellstone. I can still remember very clearly the phone call I received from Pete Rouse, who was the chief of staff for Senator Daschle, and he said: I have some terrible news. There was an airplane crash, and we think Paul Wellstone was on that plane.

Well, hope springs eternal, and I was hoping that was wrong, but it wasn't. He was in a plane crash. Sheila, who was his partner—she was with him everyplace—was killed in that plane crash. One of his three children, Marcia, was also killed, and three campaign aides.

Typical for Paul Wellstone, he had made a commitment to be someplace, and he wanted to go. The weather was bad. The pilot said everything would be OK. The pilot wasn't telling him the way it really was. I am not going to get into how the accident happened or why it happened, but certainly it was nothing that Paul Wellstone did wrong. Paul Wellstone wanted to fulfill a commitment. He shouldn't have been up in that airplane. The pilot shouldn't have taken that airplane into the areas that he did, but he did.

In his life, Paul Wellstone earned the titles of doctor, professor, Senator, but he liked to be called Paul. That is what I am going to call him today.

Paul loved to talk. He stood back there, and he was a good speaker. I can remember the first time I heard him speak. There were some new Senators who had been elected, and we had an event in the Rotunda for the new Senators. I had never heard him speak before. He was dynamic, what he said. He was talking about why he had gotten involved in politics.

Paul came here in 1991. He was a crusader. That is what he was. He was a crusader. He was always out charging ahead on some issue he believed in. Mostly, the issues were those where people needed help. The poor, the left behind, veterans, the environment, and those with mental illness were always a special concern to him. He took pride in championing the fight for people needing a helping hand.

He knew a lot about growing up with adversity. He had a brother he loved who suffered from mental illness, and that is why he joined with Senator DOMENICI to work on mental health parity. His parents worked hard. They didn't have much. But Paul told me how his father would sit at the table in the evening and talk to him about what was important in life.

He was a remarkable man. He was very small in stature physically, but in that big facility across Constitution Avenue, the police headquarters, where hundreds and hundreds of police officers come and go out of that facility every day over the years, Paul Wellstone still holds the record of being able to do the most chin-ups and the most pushups in a given period of time. He was a powerful little man physically.

Most of what he accomplished, as indicated with the chin-ups and pushups, was with sheer grit and determination. He earned a wrestling scholarship from the University of North Carolina, Chapel Hill. He married his high school sweetheart. He earned an Atlantic Coast Wrestling Championship and managed to graduate in just 3 years. After college, he earned a Ph.D. in political science and became a college professor at the age of 24 at a very academically known school, Carleton College in Minnesota.

But even then, in his years before the Senate, he was a true believer and an impassioned fighter for justice, and that is an understatement. One may not have agreed with what his definition of justice was, but his definition was worth fighting for, and he fought hard.

While teaching at Carleton College, he led the charge to divest the university from apartheid in South Africa. He helped local farmers when banks came to foreclose on their farms. That is Paul Wellstone. He fostered a new generation of active, civic-minded students by teaching specialized courses with names like ''Social Movements'' and ''Grassroots Organizing.'' These were courses he invented. There were no textbooks for them.

There were some who said that for an untenured professor, teaching activism and leading campus protests wasn't the smartest career move a person could make. In fact, when Paul came up for tenure, he was initially denied. In effect, he was in the process of being fired. It took a groundswell of student support. Thousands and thousands of students, most of whom didn't even go to that university, rallied on his behalf. He kept his job. He got tenure. At 28, he was the youngest tenured professor in the history of Carleton College. It was done because the students wanted him more than did the administration, because he was a great teacher.

So when he came to the Senate, it was no surprise he brought a fearless progressive spirit with him. I recall observers comparing him to Jimmy Smith's character in ''Mr. Smith Goes to Washington.'' He was idealistic, he was determined, and he was very effective.

He came here refusing to be phased by the politics of division, refusing to be phased by business as usual. I don't think the phrase ''status quo'' was in his vocabulary. Wherever he saw injustice, intolerance, or simply ineffectiveness, one would understand that Paul Wellstone would be around. When he found injustice in the treatment of the mentally ill, he stepped forward to ensure parity for sufferers of what were known as unspoken illnesses when it comes to insurance caps. When he found injustice in the treatment of our veterans, he stepped forward to help them, especially those who were homeless. When he found injustice in the way our Earth was treated, he stepped forward to protect the Alaska National Wildlife Refuge from drilling, among other things. He never hesitated, paused, or pondered. He stepped forward. He was really a leader.

Now, in his leading, that didn't mean everybody agreed with him because much of the time—in fact, most of the time—he was in the minority. He didn't care if he had two people supporting him or one or if he was alone. He never hesitated—I repeat, he never paused or pondered.

Many wondered how this fire-breathing progressive was able to accomplish so much in his time. The answer is that he believed in bipartisanship and he actively embraced it. It was never a surprise to see Paul team up with one or more of the Senate's most conservative Members to get something done for the people of the State of Minnesota or our country. During his time here in Washington, it never changed him. It really didn't. He left this Earth with the same idealisms and passion he always had.

He once said:

> Never separate the life you live from the words you speak.

He lived by that rule.

I recall that when he first arrived in the Senate, he kept wondering—he would leave his office all messed up, and he would come back and it was clean. He asked: Who does that? He was told: People come in late at night and clean your office—the janitors. So Paul Wellstone, after learning that, stayed that night. They came after midnight. He waited for them so he could tell them how much he appreciated them cleaning his office. That is the kind of guy he was. True to form, he did that, as he did many unusual things, in the minds of many.

There is a man who still works here; his name is Gary. I don't know Gary's last name. He is a big man. He helps us here. We have all seen him. Gary said people refer to him as ''Tiny.'' Paul told me: I would appreciate it if you wouldn't refer to him as ''Tiny.'' His name is Gary. I have never referred to him as anything other than Gary. He thought that was a pejorative statement. Tiny, as many people refer to him, is a huge man, and Paul somehow thought that was not the right thing to do.

He was really my friend. I counseled with him. I went to the doctor with him. Right before he was killed, he had

a terribly bad back. Oh, it was bad. He refused to go to the doctor. He refused to go to the hospital, which is where he should have gone. We took him to the doctor down here. The sweat, because of the pain, was pouring off his face.

He was a very tough man. I will always remember that phone call I got from Pete Rouse. I will always remember Paul Wellstone. The loss of his presence has been felt and missed every day. He added a new dimension to the Senate. You don't always have to win to be a winner. So I say to his sons, David and Mark, and the entire Wellstone family, Paul Wellstone will always be in my heart and in the hearts of anyone who knew him.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I, too, today wish to comment on the remarkable life of Paul Wellstone. Elaine and I got to knew Paul for two reasons. No. 1, they lived right near us on Capitol Hill and we would frequently see them coming and going. No. 2, Sheila was from eastern Kentucky, and we had an opportunity to share observations about those good people in eastern Kentucky from whom she sprang.

Today is indeed a sad anniversary. I join the Senate family in honoring the memory of Senator Paul Wellstone and celebrating his distinguished Senate career.

He was the most unlikely Senator. His election in 1990 was widely considered kind of a fluke, an accident. But he was neither. He was the genuine article, an extraordinary man who came to work every day with enthusiasm. He had a very upbeat outlook on life. Sometimes people who are either on the very left or the very right have a kind of grim view of things. Paul would, by his own admission, say he was on the very far left of things, but he didn't have a grim nature about him at all. He was upbeat and optimistic, and he came to work every day ready to fight for what he believed in.

Paul was a champion of mental health and other causes. With Paul, you never had any uncertainty about where he stood. It was absolutely clear. I am having a hard time recalling a single matter upon which he and I agreed, but Paul was what I would call a conviction-based politician, a public servant who never wavered from his beliefs, even when the political winds shifted against him.

He and Sheila—that eastern Kentuckian I talked about—were absolutely inseparable. High school sweethearts, they had been married for 39 years when, regretfully, the plane carrying them, their daughter Marcia, three staff members, and two pilots went down in Eveleth, MN, on the way to a debate in Duluth.

The entire Nation grieved that day for this former wrestling champ, an unlikely and, as I indicated, unforgettable Senator. We grieve on this anniversary with Paul's two surviving sons, David and Mark, and the many former Wellstone staffers, the Wellstone people who worked so hard to carry on his legacy. As the majority leader indicated, he had a distinguished academic career, earned his bachelor's degree in 1965 and his doctorate 3 years later. He plowed right through college at the University of North Carolina, both his undergraduate degree and his doctorate. He was a Phi Beta Kappa. That is about as good as it gets for a student at college. He actually attended on a wrestling scholarship.

Paul was not very tall. He was 5 feet 5 inches or 5 feet 6 inches but a strong guy. He was a champion Atlantic Coast Conference wrestler. He was named to the all-ACC wrestling team.

As the majority leader outlined, Paul was a great professor, widely loved and admired by his students, and I think it is safe to say he was widely admired and loved by his colleagues in the Senate.

We will always remember Paul Wellstone.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (MR. TESTER). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first portion and the Republicans controlling the final portion.

The Senator from Minnesota is recognized.

REMEMBERING PAUL AND SHEILA WELLSTONE

Ms. KLOBUCHAR. Mr. President, I wish to speak this morning to honor the memory of Paul and Sheila Wellstone. Today, it is exactly 5 years ago that they died in a plane crash outside Eveleth, MN, a beautiful area of our State called the Iron Range, where, in some ways, Paul Wellstone got his political start. Part of it was the farms of southern Minnesota, when he stood up for farmers when the farms were being foreclosed on. But part of it was the work he did with those iron ore miners. My grandfather was an iron ore miner who worked 1,500 feet underground in the mines of Ely, MN, about a half hour away from where Paul died.

Paul Wellstone's daughter Marcia was also killed in the crash—his longtime staff members, Mary McEvoy, Tom Lapik, and Will McLaughlin, as well as the pilot and copilot of the plane. On this day, 5 years later, the people of Minnesota are remembering that crash and remembering Paul and Sheila. It is so hard to believe it has been 5 years since we have lost them. It feels both so long ago and not so long ago at all. Part of why it doesn't seem so long ago to me is because everywhere I go in this Capitol, people remind me of Paul. When I say I am a Senator from Minnesota, they remember Paul—people such as TED KENNEDY, who worked with him on mental health issues, to the tram drivers, who for years and years have driven that tram from the Capitol to the Senate office buildings. When I said I was this new Senator from Minnesota, the driver said, ''Paul Wellstone was a Senator from Minnesota.''

The cops who guard at the Capitol remember Paul. The secretaries in the offices remember Paul. That is because he treated everybody with such dignity in this Capitol and with such dignity in our State. That was Paul Wellstone.

For me, as for so many other Minnesotans, it is impossible to forget the moment we first heard about the plane going down and then the wait to get the final news that there were no survivors.

Paul and Sheila would be the first to tell us we should not look back on what they accomplished and stood for. They would be the first to insist our responsibility is to look ahead to the work that still must be done to carry their legacy forward.

Although Paul and Sheila are no longer with us, we know their dreams and passions remain very much alive. I get my own special reminder every day, not just with the employees in the Capitol but because the flag from Paul's Senate office hangs in our Senate office. It is a powerful reminder to me of Paul and all he tried to do in Washington.

During his lifetime as an educator, as an activist, and as a Senator, Paul inspired people throughout Minnesota and throughout America.

Even now, his work and his spirit continue to inspire people of all ages, from all walks of life, all across our country, who remember Paul for the fundamental values he fought and struggled for.

He was a voice for the voiceless. He and Sheila stood for victims of domestic violence who were afraid to talk about it, afraid to go to court. They stood for them and made this their life's passion.

He brought power to the powerless—people such as the iron miners in Minnesota, people such as those farmers whose homes and farms were foreclosed on.

He brought justice to those who suffered injustice.

He brought opportunity to those who didn't have opportunity. When going to any small community event in our State or to events with large immigrant populations, they all remember Paul coming to their marketplaces or how he would meet with the women. Some of them—the elders—can hardly

speak English, but they can say ''Wellstone.''

I know I will forever be humbled by the oath I took to be a Senator from Minnesota. I know that not I nor anyone else can truly follow in Paul's footsteps. But he is an inspiration for us all.

Paul was my friend and mentor. He taught me how to campaign on a city bus. When I first ran for office, for county attorney, we would get on a city bus and work the entire bus. We would meet everybody on the bus. When we would get to the end of 8 blocks, we would say we are at our stop and get off. Then we would get back on a bus going the other way. We would go around for hours until we met everybody on those buses in Minneapolis that afternoon. He worked bus by bus, block by block, precinct by precinct to touch people in a way that made people believe, made people know that involvement in politics could make a real difference in their lives. That is what he told those new immigrants, new citizens. He told them that involvement in politics could make a difference in their lives. He did it not only by his words but by how much he went out and touched them and were a part of their life.

Paul was a crusader and a man with many passions. Anyone who ever met or talked with him quickly found out he had a special passion for helping those with mental illness. That was shaped by the suffering of a member of his own family. Many of you may know Paul's story about his brother Stephen.

As a young child, Paul watched his brother's traumatic descent into mental illness. When Stephen was a freshman in college, he suffered a severe mental breakdown and ended up spending the next 2 years in mental hospitals. Eventually, he recovered and graduated from college with honors. But it took his immigrant parents years to pay off the hospital bills.

Writing about this, Paul recalled the years that his brother was hospitalized. ''For two years,'' he wrote, ''the house always seemed dark to me—even when the lights were on. It was such a sad home.''

Decades later, Paul knew there were still far too many sad homes in our great Nation—too many families devastated by the physical and financial consequences of mental illness.

Paul knew we could and we should do better. For years, he fought to allocate funding for better care, better services, and better representation for the mentally ill. For years, he fought for mental health parity in health insurance coverage.

Finally, this year, at last, it looks as if Paul's dream may finally come true. Last month, the Senate unanimously voted in support of legislation that will guarantee equity for mental health insurance coverage.

This will be a victory—if we can get this passed and work with the House and get as strong a bill as possible—for millions of Americans living with these mental illnesses who have faced unfair discrimination in their access to affordable, appropriate health care and treatment.

For Paul, this was always a matter of civil rights, of justice, and of basic human decency.

Of course, on this issue—as every other issue—Sheila and Paul were together and they moved quickly. Paul and Sheila had so much energy, and they were always on the move. They brought such enthusiasm and joy to their work. They were animated, tireless, and persistent in their fight against injustice.

Sheila Wellstone was a leader in her own right. I had the opportunity to work closely with her when I was the chief prosecutor for Hennepin County. They focused on domestic violence. She was instrumental in creating the Hennepin County Domestic Abuse Service Center, which I supervised during my 8 years as county attorney. That center is a national, an international, model for serving the victims of domestic violence by bringing together a full range of services and resources in one central, convenient location. Victims of domestic violence don't have to go through the redtape that would even be hard for a lawyer to figure out. There is a center where children can come and play, for prosecutors and police, and a shelter, all located under one roof.

Sheila knew the statistics on domestic violence. She knew these kids are six times more likely to commit suicide if they grew up in a home with domestic violence. They are 24 times more likely to commit sexual assaults. They are 60 times more likely to exhibit delinquent behavior. Most chilling of all, little boys who would witness domestic violence are 100 times more likely to become abusers themselves.

Sheila knew these numbers, but even more, she knew the names and the faces of the victims of domestic violence. She knew their children. It made her all the more determined to do something about it because, in America, of all places, kids should be free to grow up with safety and security and peace of mind.

I remember the last time I saw Sheila and Paul. It was a few weeks before the tragic crash. Sheila and I had been asked to speak to a group of new citizens, immigrants from Russia. It was a very small group. There were about 50 people there. We talked about our own immigrant experiences. She talked about her parents and growing up in Appalachia, and I talked about my Slovenian relatives coming over and making their way, saving money in a coffee can in the basement so they could send my dad to college.

We were in the middle of these stories in this very small room. All of a sudden in walked Paul. He wasn't supposed to be there. He had gotten an early flight home from Washington. He wasn't supposed to be there because he was about a month out on one of the biggest elections for the Senate in the country. He had voted, had taken a brave vote, a courageous vote against the resolution on Iraq. He knew he was up for reelection. He knew it might cost him the election, but he did the right thing.

He came into that room where there was no press, no reporters, and a few weeks before this election. At the time I thought: Why did he do this when he has to be out there campaigning? I knew then that there were two reasons he did it. First is that he loved Sheila and he wanted to surprise her, and he wanted to be there by her side while she gave her speech and gave her remarks. But he was also there because he embraced the immigrant experience. He liked nothing more than talking about how you can come to this country with nothing and pull yourself up by your bootstraps. You can be a guy working 1,500 feet underground in the mines in Ely, MN, and your granddaughter can be a Senator. You can be someone with mental illness, such as Paul's brother, and grow up to get a college degree and be a teacher. You can be a victim of domestic violence and get your life back together and have a home for your kids. That is what Paul and Sheila stood for. That was their legacy.

Today in our State of Minnesota and throughout this country and this Capitol, we think of them and what they stood for, and we pledge to work again to fill their legacy.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ISAKSON. 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. ISAKSON. Mr. President, it is my understanding we are still in the majority's time period. I ask unanimous consent that it be set aside and reserved and that I be allowed to address the Senate in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS PROCESS

Mr. ISAKSON. Mr. President, I am delighted to come to the floor today. I heard this morning the announcement by the Democratic leader, Mr. REID, that we probably will not bring the remaining five appropriations bills to the floor of the Senate before the year is out. Quite frankly, when the Republicans or Democrats have been in charge lately, it seems we have gotten into this situation going well past the fiscal year without acting on all the appropriations acts.

It seems to me as if, my ninth year in the Congress and my third year in the

Senate, more often than not we end up with minibuses or omnibuses. We roll tremendous appropriations bills one into the other, pass them at the end of the night, and find out weeks later what is in them. That is not good regardless of your party, and it is certainly not good for the United States of America.

I come to the floor this morning to talk about some suggestions that have been made by some very distinguished and learned Members of this body on both sides of the aisle about opening our appropriations process, diagnosing the problems with it, and fixing it statutorily.

I particularly call the attention of the body to Senator DOMENICI from New Mexico, one of the longest serving Members of the Senate. He will be retiring at the end of next year. He has introduced consistently every year a biennial budget. The idea is that we appropriate in 2-year bites rather than a 1-year bite, and we do oversight in the second year.

Think about this for a second. What if the Congress did appropriations bills in odd-numbered years, meaning we spent the money in odd-numbered years and in even-numbered years, the same year we are up for reelection, we do oversight. So all of a sudden our debate and races are not about what we are going to spend but how our money is being spent. That is responsible, it is smart, and it makes sense.

Those who object will jump up and say: Oh, well, then we will just have a lot of emergency appropriations bills. Give me a break. Have you seen how many emergencies we have done in the last 2 years? We have emergencies come up all the time. Of course, you are going to have those. The emergency that exists is not the fear of having an emergency but the fact that once again this year we have gone past the end of the fiscal year, and we are operating under a continuing resolution. The United States has an untold number of issues that must be dealt with, and we are on cruise control in terms of the appropriations of our country. It is not right.

Now, I have voted for some appropriations bills, and I have voted against some appropriations bills. I am glad we have gotten seven done. But we have five out there that all of a sudden are probably going to get rolled in with about three or four others, get vetoed, and then get rolled into an omnibus. We will fly in here in the dead of night, have a document on our desk that is probably as thick as five or six concrete blocks stacked on top of one another, in very fine print, and we will be asked to cast a vote on how we are going to spend the money of the taxpayers of the United States. It is not right.

We need to look at new and creative ways to run the Government of the United States and its fiscal affairs. I commend Senator DOMENICI's appropriations recommendation and the idea of the biannual budget, and I encourage this body to start looking at a constructive solution like that. Senator VOINOVICH, who ran the State of Ohio—he has been a Governor—and is as sound a fiscal person as you want to find in this Senate, pointed out as well yesterday that the whole situation is just broken. We have entitlements on cruise control, discretionary spending in a continuing resolution, and we in the Congress fight over little tiny parts of the appropriations process when we ought to be considering it in its totality. We should take each of the 12 budget units, bring them to the floor, debate them, pass them, and send them to the President. Do them responsibly, as we are expected to do.

When the announcement was made that we are not going to get to five appropriations bills this year, there was also an announcement that we are going to have an Omnibus appropriations bill. We are going to roll all the bills into one, not debate them, not make decisions based on their soundness, and not even, for most of us, have a say in it; certainly not have a say during prime time or a say on the floor of the Senate.

Mr. President, I come today to talk about responsibility on behalf of our body and responsibility on behalf of the people of the United States, and I urge the majority to join with us to seek out recommendations such as those of Senator DOMENICI, seek out the sound advice of Senator VOINOVICH, and let's get our fiscal affairs in order. If we don't, we are going to waste more and more tax dollars and we are going to have more and more programs that go without oversight and we are going to spend dollar after dollar after dollar on old problems while our new problems and new challenges go unmet. It is not right for me, it is not right for you, Mr. President, and, most importantly, it is not right for the people of the United States.

I yield the floor, and 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. BROWNBACK. 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. BROWNBACK. Mr. President, how much time remains on our side of the aisle on morning business?

The PRESIDING OFFICER. There are 14½ minutes remaining.

Mr. BROWNBACK. I yield myself such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. BROWNBACK. Mr. President, I want to speak from the heart on two matters: one on my good friend, Paul Wellstone, who died in a plane crash 5 years ago. Several speakers have spoken already, very eloquently, about Paul Wellstone, a wonderful man.

He and I disagreed on many issues in this body, and yet we had a wonderful relationship because of the nature of the person he was. He practiced the art of disagreeing without being disagreeable. It is a tough art to do, particularly in legislative bodies it can be very difficult. But he did it, and he did it very well. And he had a number of friends on both sides of the aisle from wide across the political spectrum.

Because of that attitude—and here is something I really want to say to my colleagues—Paul and I could get together on what I deemed to be the most important piece of legislation that I have been a part of here, as far as a primary sponsor, and that is the human trafficking work that he and I started—actually, his wife got him focused on it, and she was killed in the same plane crash—where we started seeing people trafficked into the United States and different places around the world, and we wondered what is going on with this dark underside of the globalization that is taking place. The way they saw it was his wife first started to see Ukrainian women trafficked into Minnesota and showing up at battered women shelters. They had been trafficked into prostitution in the United States and then had shown up at battered women shelters. And they said, how did you get here? Then they started backtracking the trail through gang activities, criminal activities, organized crime activities, that moved them from the Ukraine into the United States, into brothels, and then they were battered.

As they started to piece this together, they were seeing organized crime which now we know is in many cases involved in human trafficking around the world and is the third leading source of income for organized crime now—trafficking. Much of it is women or young girls, in many cases if not most, that they are trafficking and trafficking into prostitution.

Paul's wife first observed this. Paul got involved in it. I got involved in it, seeing it from another angle, and we were able to put together a coalition around that issue of human trafficking at an early phase, before we noticed that much. That included people from across the political spectrum. Paul and myself—he a dedicated liberal, myself a conservative—we had Gloria Steinem and Chuck Colson in this coalition, pushing for a bill against human trafficking, the first legislation we did here on that topic.

Because we were able to work together and reach out across the aisle and disagree about a lot of things but not be disagreeable and find common cause, we were able to deal with something that is a scourge on this planet. As we globalize, walls come down, people are moved, many times illicitly, in many cases brutally, and in a lot of

cases are killed in the process, or seen as disposable people—which is a term of art used by one of the authors, experts on this topic, who has written a book called ''Disposable People.'' These are people who have been trafficked. Then after they get diseased or run down, they are thrown out on the street as a disposable person. It is a very ugly thing.

Paul, with his heart of gold, saw this. I remember him complaining to me one day as I was coming out on the Senate floor. He came charging up to me and he said: You do this to me.

I said: What?

He was showing me the rankings and he was only the second most liberal in the Senate. In the prior years he was the most liberal. He said: You did that to me. If I hadn't been working with you, I would be the most liberal still. He had that kind of sense of humor about him that he would blame me.

He came up to me one day, where I was talking about life being sacred and precious, and I was saying I believe all life is sacred, it is precious, a child of a loving God, and that includes Paul Wellstone and TED KENNEDY too. He came out and said I like your line on this, even if I don't agree with your position on life. He enjoyed life. He lived it well. I think he has also taught a good lesson for the rest of us about core convictions. There is no problem with having core convictions. It is a good thing to have core convictions and to stand by those. It is also a good thing to recognize when it is that the topics you are talking about are not your core convictions, so you can reach out across the aisle. I think maybe 30 percent of the topics around Washington, maybe more, could be less, are divisive ones, where there are divisions on both sides. But there is 70 percent we can work on. The country is desperate to see us make Washington work, to see us reach across the aisle, to see us make it work on core topics.

JOE BIDEN and I held a press conference in Iowa about a political solution in Iraq, and people were stunned, saying this is what we want to see; we want to see our country work on tough topics. We can do that on issues such as cancer, the war on cancer—there is no division between the parties on that—and reaching across the aisle we can show the American people a government that works. That is something we need to do. That is something I think would be in Paul Wellstone and his wife's legacy.

I remember them today and I hope all of us will remember them in our prayers, about what they gave to us. I often say you can't measure a tree very well until it is on the ground. Unfortunately, that is the case with Paul, a wonderful guy with a wonderful heart. I disagreed with him on a number of political issues, but I loved his style and loved the way he lived life.

SUDAN

Mr. BROWNBACK. Mr. President, I wish to talk about the situation in Sudan. The situation in Darfur has been widely noted and known. It is deteriorating. It is deteriorating slowly. We want to get the factions back together to try to talk about what it is we can do to bring some stability.

Something that is not widely followed right now is the deteriorating situation between the north and south. We have had a long-term peace agreement in place now for a couple of years between the north and south that ended the longest running civil war in Africa. It had been going on for 20 years. Two million people were killed. Now the south has backed away somewhat from the government. The north government is not complying with the peace agreement. I will be bringing out a more full statement to my colleagues. This is very dangerous, as far as the situation that now we could get back into a problem between the north and the south again, and have two fronts going.

In the south, long term, there was a genocide going on there before it took place in Darfur. We have to be vigilant toward the Sudanese Government, which is the problem. This is a genocidal government in Khartoum. We have to get on top of that situation and make sure it doesn't deteriorate between the north along with what is taking place in the west and Darfur. It could well be that Sudan in the future is a country that breaks up into three or four different countries because of the way the Khartoum government is trying to force people into their ideological box. It is a militant Islamist government started by Osama bin Laden, this iteration. It is the problem, but we have to deal with it, where it is in this situation. I don't want us to take our eyes off the ball.

In the south, where there has been a lot of work over a long period of time to get that peace, I hope that we not lose that peace in the overall situation.

Finally, the President of Congo is in Washington now. I met with him yesterday, along with a number of my colleagues. One of the issues I want to bring up here, and I will be developing some legislation, is that a number of radical militant groups are raiding in the eastern part of the Congo. They are dislocating nearly 450,000 people now. In these guerrilla movements, what they do is get control of an area and then they get mineral rights for individuals or to groups to come in and mine things, such as coaltan. It is a particular metal used in making cell phones. That is how they finance their rebel movement. We saw this in the blood diamond issue in western Africa. What we did then was put a certification process together, that you had to certify that the diamonds came from legitimate means, and that shut the financing down.

My hope is we can do something similar in the Congo, where we can have a certification on minerals like the coaltan and then shut the financing down for these groups that run civilian populations out of an area. I think that is something we can do credibly. Our markets and our economy are our key foreign policy tools. Here is a place where we can use the U.S. market to try to help bring stability to a region that is key for stability throughout Africa. If we get stability in the Congo it might bring stability throughout the region. I hope we can do those things.

I appreciate my colleagues' time and yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

REMEMBERING SENATOR PAUL WELLSTONE

Mr. DURBIN. Mr. President, someone asked me once how I would describe my politics. I told them: I believe in the Gospels of Saint Paul. Paul Douglas. Paul Simon. And Paul Wellstone.

They were, in my opinion, three of the best public servants I have known. I had the privilege to know each of them and be inspired by them. Not a week goes by that I do not draw on some lesson or some truth they taught me.

Today, I find myself thinking especially of Paul Wellstone. It was 5 years ago today that Paul and his wife Sheila died in a plane crash in heavy fog in the Iron Range of northern Minnesota. The information reached us in Chicago a few hours later. I was asked to comment on local television station. I am sure that the emotion in my voice betrayed my real feelings about this great man, and Sheila.

Also lost in the crash were Paul and Sheila's daughter Marcia; their friends and campaign workers, Will McLaughlin, Tom Lapic and Mary McEvoy; and the plane's pilots, Richard Conroy and Michael Guess.

To understand who Paul Wellstone was and what he meant to so many people, listen to this story from John Nichols, the Washington correspondent for ''The Nation.''

Two hours after the plane crash, he had just finished delivering a keynote speech to about 150 family farm activists in a small town in Wisconsin when the conference organizer whispered the news to him. These were people who knew Paul Wellstone as the college professor who was willing to march with them—and even to be arrested with them—to protest family farm foreclosures. When he was elected to the Senate, they thought of Paul Wellstone as their Senator, whether or not they lived in Minnesota.

When they learned that he had died, John Nichols wrote: ''Cries of ''No!'' and ''My God! My God!'' filled the room, as grown men felt for tables to keep their balance, husbands and wives hugged one another and everyone began an unsuccessful struggle to choke back tears. The group gathered

in a large circle. People wept in silence until, finally, a woman began to recite the Lord's Prayer for the son of Russian Jewish immigrants who had touched the lives and the hearts of solid Midwestern Catholic and Lutheran farmers who do not think of themselves as having many friends in Congress.

''He was our flagbearer,'' one woman said. ''There are plenty of people in Congress who vote right, but Paul did everything right. We didn't have to ask him, we didn't have to lobby him, he understood. It was like having one of us in Congress.''

That was how Paul Wellstone wanted it. He once said: People have to believe you are on their side, that someone in the Senate is listening. If there is someone in Congress, maybe just one person, it gives them a sense that change is possible.

Paul Wellstone was, by some standards, one of the unlikeliest Senators ever. His first election, in 1990, remains one of the great upset victories in Minnesota history. He was a college professor taking on an incumbent Senator. His campaign had very little money.

He bought his first three suits—for $100 apiece—during that campaign, and crisscrossed Minnesota in an old green school bus that always seemed to be breaking down.

No matter. What he lacked in money and consultants, he more than made up for in ideas and passion and hustle. ''Politics,'' he said, ''is what we create by what we do, what we hope for, and what we dare to imagine.''

Minnesotans believed him, and sent him to the U.S. Senate—the only challenger to defeat an incumbent Senator that year.

Even with his new suits, Paul Wellstone stood out in the Senate. During his first weeks here, one reporter wrote that he ''projects an image of barely in-control energy and enthusiasm.'' Another reporter described how ''he has a habit of going pie-eyed with excitement and pumping the air with his hands.''

I remember him in the back row here. He used to like to get a long cord on his microphone and range all over that area, just walking and talking and waving his arms with that kind of stumbling gait that was part of the back injury that had haunted him most of his adult life. When he got going, people were listening, always.

When Paul Wellstone was in junior high, his mother—a Ukrainian immigrant—worked in the cafeteria of his school—a fact that embarrassed her son greatly. Later in life, whenever he visited a school, he always introduced himself to the cafeteria workers.

He did the same thing in the Senate. He seemed to know every security guard, kitchen worker, and elevator operator in this Capitol Building by name.

But this is what was different about Paul Wellstone: He didn't just talk to cafeteria workers; he voted as a Senator with them in mind. As he said, ''Some people are here to fight for the Rockefellers. I'm here to fight for the little fellers.'' I am sure Jay Rockefeller didn't take offense.

Paul Wellstone fought for family farmers on the edge of foreclosure, for workers facing layoffs, for older people trying to decide which prescription to fill this month. He and Sheila—his indispensable partner for 39 years—fought for women and children threatened by violence.

He fought for teachers and coal miners. For veterans. For people suffering the sting of discrimination and denial because of race, gender, sexual orientation, or physical or mental disability.

He fought for immigrant parents who work at less-than-minimum-wage jobs. He listened to them, and looked them in the eye. And when he did, he used to say, he saw his own parents.

He fought for ''good education, good health care, and good jobs.'' He demanded fairness for those to whom life had been unfair. He gave people hope and courage.

It didn't matter to him if he was on the wrong end of a 99-to-1 vote. He voted his conscience. I was in the Senate one day when we had a vote on a defense-related issue. I had decided that I was going to vote against an amendment about to be called by one of the Senators on the other side of the aisle. As is custom in the Senate, they roll through the rollcall and recount who voted how. When they listed the names in the negative, mine was the only name they mentioned and I realized I was by myself, and I said, ''Where's Wellstone?'' And darned if he didn't walk through the door and vote ''no'' with me. That's the kind of person he was. He wasn't afraid to be the only one or the only one of two Senators voting on an issue.

Now, Paul Wellstone was a wrestler not just with issues but literally—he was a champion wrestler in high school. In the Senate—even with that bad back and hobbled by M.S.—he remained incredibly strong. He held the push-up record at the Capitol police gym: 91 in 1 minute. But it was his strength of character, even more than his strength of body, that was truly extraordinary.

I remember the night the Senate voted on the Iraq war resolution. Mr. President, there were 23 of us who voted against the Iraq war resolution. Three of us remained on the floor afterwards—three of us who had voted no. The Chamber was clear; it was late at night. I recall walking up to Paul Wellstone, who was in a tight election contest back in Minnesota, and saying to him: Paul, I hope this doesn't cost you the election. And he said to me: It's OK if it does. This is what I believe and this is who I am. The people of Minnesota would not expect anything less.

That was it. A handful of words, summarizing who he was and what he believed in and what he thought politics was all about. That was the last conversation that I had with Paul Wellstone before he lost his life in that plane crash 5 years ago today.

Much was lost in that crash. But much survives. To keep their parents' work alive, Paul and Sheila's sons, Mark and David, have started a progressive advocacy organization called Wellstone Action. Perfect. In the last 4 years, more than 14,300 people have attended ''Camp Wellstone'' workshops in nearly every state, where they have learned to how to make politics relevant and effective. And here I am going to give a plug: if you want to know more about their good work, go to their Web site: www.wellstone.org. Take a look.

The Senate is fortunate to still have the service of talented, passionate men and women who learned from Paul Wellstone himself. I count myself lucky as one of those lucky ones.

One thing I will close with: One of Paul Wellstone's real passions was this issue of discrimination against the mentally ill. It touched his life and his family and he knew it personally and was determined to make sure those suffering from mental illness had a fair shake for health insurance and medical services. He did not get the job done by the time he left us in the Senate, but that battle was carried on valiantly by Senator TED KENNEDY and Senator PETE DOMENICI, who passed the legislation. I hope that the House will pass a similar bill soon so we can honor Paul Wellstone and do something important.

Paul Wellstone was full of hope. A reporter who knew him well recalled a conversation they had after the 1994 elections, when Democrats lost control of both Houses of Congress for the first time in decades.

This is what he wrote:

> Wellstone was upset but not down. ''We don't have time for despair,'' he said. ''The fight doesn't change. It just gets harder. But it's the same fight.''

I wish Paul Wellstone were here today. Of all of the thousands of men and women I have served with in the House and Senate he and Congressman Mike Synar of Oklahoma are two that I always wish were around for a phone call, for a word of advice—just to sit with for a few moments and hear their brand of politics.

If Paul Wellstone were here today I know what he would tell us: Don't give up. Don't despair. There are so many people counting on you. You've got to keep fighting. So let's do more than just honor and miss our friend today. Let's vow to stick together, pick up the fallen standard and continue his work.

Mr. COLEMAN. Mr. President, I want to rise to take the floor for a few moments to reflect and to pause to think about the life and legacy of former Senator Paul Wellstone and his wife Sheila.

It was 5 years ago today that we suffered the terrible tragedy of Senator Wellstone's death, tragedy for my State, for the entire Nation.

Senator Wellstone and I had been engaged in a very hard-fought and vigorous election contest. We were about 10 days from the election. I think everybody in our State reflects on where they were at the moment they heard the news. We were both, Senator Wellstone and myself, on the way to a debate in Duluth, MN. I was up in Grand Rapids flying in on a King Air plane, the same type of plane Senator Wellstone was flying when it went down and caused his death and the death of his wife Sheila, their daughter Marcia, and five others.

We were about to get in our plane, probably about 25 miles, somewhere in the same area as the Senator. We heard the news with a great sense of disbelief, we knelt down and said our prayers for the Senator, for his wife, for the others who died.

The news was met by disbelief, shock, and sadness. In the hours that followed, it was as if the entire State of Minnesota had stopped. For so many Minnesotans, regardless of where you stood politically or whether you agreed with Senator Wellstone's politics, you admired him and his unwavering commitment to the things he cared about most. He was so passionate about what he believed.

That admiration is evidenced in folks such as Mary Oberg, who lives not far from me in St. Paul. I was looking at a piece on Public Radio today. She was not far from being in St. Paul. In a news story I read, she said she did not necessarily support all of Paul's views, but she liked the fact that there is still a memorial bench in her neighborhood, in my neighborhood, that honors Senator Wellstone to this day.

It shows respect, Mary said. And that is what is lacking in the world today, is a lack of respect for others. This is a magnificent institution. I see my colleague from West Virginia is here. He has been here a long time, has a great sense of history—I try to visit with him as often as I can—a great sense of collegiality.

In a world that has become so divisive and so partisan, so angry, whether in this Chamber or in the House Chamber, Senator Wellstone reflected in the passion for his belief that politics was not a death sport, it was something which you could agree to disagree and still shake a hand and ask: How are you doing? And move on. The kind of respect that Mary Oberg reflected on was that hallmark of Senator Wellstone himself.

His passion, enthusiasm, and energy for public service is something that inspires me, as it inspired so many folks that have followed his footsteps into public service. Nowhere was that passion more clear than in his unyielding support for those individuals who suffered the ravages of mental illness. Since he arrived in the Senate, he worked day in and day out to pass mental health parity legislation; put an end to the discrimination against people with mental illness and chemical addiction.

Paul was also willing to put aside politics on this important issue. He worked hand in hand with another champion for mental health issues, Senator PETE DOMENICI, another individual who has been around here for many years and was and is so passionate about that issue.

Working together, Senators DOMENICI and Wellstone helped millions of Americans overcome the stigma surrounding mental health disorders. Millions of Americans were able to seek treatment and gain hope through their powerful commitment to this issue.

I cannot imagine a better way to honor Paul's legacy than sending a strong mental health parity bill to the President of the United States and have him sign it into law.

I also want to comment about a unique living memorial to the Wellstones, and that is the Paul and Sheila Wellstone Center for Community which opened its doors a year ago. It is truly a Paul and Sheila Wellstone kind of place. It stands literally where the East meets the West. Since Paul came from the East, as I did, he probably felt very much at home in our ethnic neighborhoods, filled with middle-class working families.

It was constructed, in large measure, with $10 million generously provided by this Chamber. The Paul and Sheila Wellstone Center is a 100,000 square foot facility with meeting places for a variety of cultural, social, and civic activities for people of all backgrounds. It also serves as an education and training center.

The west side is kind of like our Ellis Island. It is the place where, in the Midwest, immigrant groups came in in the old days. It was the Jews and Lebanese; today it is the Hmong and the Somalis.

A community center is a poor substitute for the real thing, Paul and Sheila themselves, but it is worth doing, providing a safe place where kids can learn and play, families can receive training and support, community members can be organized to fight injustice and partake in the American dream.

These and so many other issues that Paul cared about transcended partisan politics and ideology. The greatest legacy to Senator Wellstone is to stay rooted in his belief that Government has an obligation to do what it can do, which is to help those who need help the most.

Five years later, I certainly have a greater understanding and appreciation for the challenges that Senator Wellstone faced and others that came before him of serving in a Congress that is too often governed by partisanship rather than a culture and a commitment to getting things done.

I have made a commitment to follow in that tradition of working hard and being a vocal advocate for our great State. This anniversary should be an occasion to celebrate the Wellstones' lives and to remember the commitment Paul and his family made and continue to make using public service to improve the lives of all people.

On this anniversary of their death, I hope everyone can continue to hold Paul, Sheila, their family, and the others who died in their terrible crash, hold them close in your hearts, hold them in your prayers, as my family and I will.

Mr. BAUCUS. Mr. President, it is hard to believe that it was 5 years ago today we lost our dear friend and colleague—Paul Wellstone.

On a cold Minnesota morning, his life, along with his wife, daughter, three staff members, and two pilots, was cut tragically short. It was a day that is burned into our memories, a day we will never forget.

Paul was a good man. He was a man who truly loved being a Senator. It wasn't the power and prestige that he loved, it was his ability to serve the people, to help those in need—especially those who otherwise wouldn't have had a voice.

He was a fighter. He fought for the underprivileged. For the downtrodden. For those who otherwise had been forgotten. He fought for the underdog—the little guy. And most of all he fought for what he believed in to be right and true.

Paul loved life and lived each day to the fullest. He always had a kind word and a smile to whom ever he came across. And he came to work determined to make our country and world a better place.

The Senate has changed a lot since Paul's death. The halls are a little quieter. There is a little less fire and brimstone on the Senate floor. Paul was known for going to the floor and giving an impassioned speech about how we had to provide better health care coverage for the mentally ill, assistance for domestic violence victims, better benefits for our veterans, or education for our children.

While Paul was a hard-working, dedicated public servant, he was also a family man who loved his wife, children, and grandchildren very much. His best friend and companion in his life was his wife Sheila. She inspired him, was his constant companion, and she calmed him. Their love was one of a kind. In many ways it is fitting they left this Earth together.

While Paul is not here, his spirit lives on. He inspired all of us to be better people. And his memory lives on. Paul's work is continued through his two sons Mark and David, Wellstone Action, and through his staff—many of whom can still be seen in the halls today.

Like many of my colleagues in Congress, I miss my Paul. So let us remember him today and honor all of the work he did to make this country a better place for all of us.

Mr. KERRY. Mr. President, it is hard to believe that today marks 5 years since an extraordinarily frigid and raining, tough day in October when we

were stunned to hear the reports of the missing plane and then reports that it carried our friend, Senator Wellstone, his wife Sheila, and his daughter Marcia. I had just been with him in Minnesota hours earlier where his wife and he campaigned.

It was one of the moments you never forget. I remember feeling the awful, vivid contrasts of a world transformed. October 25, our friend and colleague was gone—but October 24 he had been right there with us full of life. I was in the Twin Cities at Sam Kaplan's house at a Wellstone campaign event with Paul's wife, Sheila. Paul was campaigning on the other side of the State, but he called into the event, and I will never forget what it was like to hear that voice over the speaker phone—loud, clear, strong—Paul Wellstone, that voice full of passion and commitment.

It was a sad and sickening feeling to hear the next day that both of them were gone.

In the last 5 years, I can't tell you how many times how many of us, in tough fights and lonely stands, have wished we had Paul Wellstone in our corner here on the floor of the Senate.

Paul and Sheila Wellstone were an extraordinary couple. They were the best people in politics and in life—the most caring, the most giving, the most sincere and genuine people I have ever met or will ever meet.

Paul was the Pied Piper of modern politics—so many people heard him and wanted to follow him in his fight. Joyful, rumpled, the genuine article—we all admired Paul for his energy and his independence, his spirit and his zest for making people's lives better and inspiring others to do the same.

It is impossible to measure the number of lives Paul touched. So many people who never even knew him are better off because of him. When I ran for President in 2004, at rope lines around the country, people would come up to me after rallies—people in wheelchairs, people with cancer, veterans, senior citizens, farmers—and they would place in my palm that familiar, cherished Wellstone button, or one of those green ribbons lovingly created after Paul passed away. These were talismans. Words didn't need to be spoken—you could see it in their eyes, you could see how much he meant—even 2 years later, he was still their champion, he was still their voice.

Right in front of my eyes, in their faces, I could see the legacy of a man who lived Hubert Humphrey's credo: ''The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped.'' Paul's politics was a moral politics.

To all the people who worked for him, who loved him, he was never Senator Wellstone, or ''the Senator''—he was just Paul, and Paul Wellstone wouldn't have had it any other way. He was the champion in the Senate for issues that some people didn't think were politically popular—the Hmong in Minnesota, Native Americans on the reservations, the poor, children, stopping drilling in the Arctic National Wildlife Reserve thousands of miles from his home. I still remember after our victory on that filibuster, the image of Paul walking into the rally—limping—his back hurting from a condition that caused him pain right to the end, absolutely unbowed, the look on his face was pure joy—the exuberance of having succeeded at doing something because it was the right thing to do.

He understood that values had to be not just spoken but actually lived. As he said: Politics is what we do. Politics is what we do, politics is what we create, by what we work for, by what we hope for and what we dare to imagine.

I will never forget, 3 years ago, standing next to Bruce Springsteen, at rallies of 50,000, 60,000, 80,000 people—in Madison, WI, and Cleveland, OH—people standing in the chill and the rain and the wind—people who were there because, just like Paul, they loved their country so much they wanted to change it—and I still remember the response—the tears and the joy and, above all, the hope—when Bruce Springsteen would quote words from Paul that ought to ring true for all of us:

The future will not belong to those who sit on the sidelines. The future will not belong to the cynics. The future belongs to those who believe in the beauty of their dreams.

Paul and Sheila Wellstone aren't here with us in Washington, but they continue to remind us what we can have if we believe once again in our highest hopes and our strongest ideals. They continue to remind us of what is important—and what is worth fighting for.

I want to say for the record today that Paul Wellstone and his politics are much missed.

Mr. REED. Mr. President, 5 years ago today, Senator Paul Wellstone, his wife Sheila, his daughter Marcia, and three of his staff perished in a plane crash.

This was a tragic loss to the Wellstone family, including his two surviving sons, David and Mark, his State, our Nation, and this body.

His passion, energy, and commitment on behalf of the ''little guys''—all those without a voice, including children, the poor, the homeless, victims of domestic violence, the mentally ill—serves as an example to us all.

He was a champion for all those who needed one, and for doing what is right. This was well-illustrated in his unwavering devotion to the fight for mental health parity, robust education funding, and affordable housing.

Senator Wellstone worked tirelessly to achieve fairness in the treatment of mental illness. On September 18, the Senate unanimously passed mental health parity. In the other body, the Paul Wellstone Mental Health and Addiction Equity Act recently moved through committee.

We must continue the fight toward final passage of mental health parity. I look forward to that day, which will be a historic achievement, and an enduring memorial to the life of this great man.

I was honored to serve with Senator Wellstone for over 4 years on the Health, Education, Labor, and Pensions Committee. He was a consistent and powerful advocate for increased education funding and ensuring our children possess the necessary skills and tools to compete in an ever-expanding global economy.

During the debates on the No Child Left Behind Act in 2001, he would say, ''We cannot realize the goal of leaving no child behind on a tin cup budget.'' Unfortunately, today we are still struggling to provide more than that ''tin cup'' budget as the President has cumulatively underfunded title I of the No Child Left Behind Act, the Federal Government's most significant commitment to K–12 education, by over $43 billion since its enactment. As such, his words seem more appropriate than ever.

Senator Wellstone worked on a multitude of issues, but I want to touch on just one other today, and that is affordable housing. At Senator Wellstone's suggestion, on April 15, 2002, I flew out to Minnesota to hold a Banking Committee Subcommittee on Housing and Transportation field hearing on ''Affordable Housing and Working Families.''

At the time, Minnesota had one of the Nation's highest rates of homeownership, yet one of the worst affordable rental housing shortages in the country. It was our hope that we could learn more about the affordable housing crisis impacting working families, and how government could best work with the private sector to address the problem.

Paul's passion for this issue and his special connection to his constituents was apparent throughout this hearing. He was intent on figuring out what obstacles stood in the way of creating more affordable housing, and what the Federal Government could do to help. Paul believed in democracy with a small ''d,'' and he allowed anyone in the audience who had something to say to come up to the microphone and tell the U.S. Senate what it might do to help.

Paul's untimely death was a huge blow to many of us. He inspired us every day to focus on those who were less fortunate, and that legacy must continue to live on.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Mr. President, today, as we mark the fifth anniversary of the death of Senator Paul Wellstone, I am reminded of what Herbert Humphrey—

another great Minnesotan that served in the Senate—once said:

The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

This quote always reminds me of the way Paul lived his life and the legacy he has left behind.

Five years ago on this day, we lost a colleague, a progressive advocate, and a Senator who devoted every fiber of his being to building a better, fairer America. Many of us also lost a close friend who we admired and looked to for advice and support. Paul always stood up for what he believed in and gave a voice to those who were not given a seat at the table. He was the People's Senator through and through.

In the Senate, Paul championed mental health parity legislation to help end discrimination against people living with mental illness. It was a personal struggle for him, as he came to understand the issue through the experiences of his brother. I had the privilege of working with Paul as First Lady and as a member of the Senate's Heath, Education, Labor, and Pensions committee, where no issue was too difficult or challenging, large or small, for Paul to tackle if he thought it would make a positive difference in someone's life.

I remember when I heard that the plane carrying Paul, his wife Sheila, their daughter Marcia, and three of his campaign aides had crashed. Many of us did not want to believe it. No longer would our friend and Senator—indefatigable—come bursting through the doors of the Senate floor, ready to speak out, ready to right a wrong, or address a problem that had to be solved. No longer would Sheila, a dynamic presence in her own right, travel across Minnesota and the country and spread the word about domestic violence and so many other worthy causes.

To ensure that their legacy lived on, more than three years ago, an organization called Wellston Action was established to honor both Paul and his wife Sheila. Through hard work and dedication, Wellstone Action has been able to grow tremendously and preserve the Wellstone way for future generations.

We have a duty in the Senate to never let Paul's legacy fade. I said it 5 years ago and today I reiterate it again, we must work towards the goals and ideals Paul fought for day in and day out: to strengthen our education system, our health care system, our economy, civil and human rights, our Nation. We still feel in our hearts and in our lives this grievous, tragic loss. Today, we not only look back on the life of a Senator who stood up for what he believed in, we look forward to carrying on what he taught us.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. DODD. Mr. President, I rise to honor the life of one of the finest men I have known in this body: Senator Paul Wellstone of Minnesota. Paul—along with his wife Sheila and his daughter Marcia; his staff members Will McLaughlin, Tom Lapic, and Mary McEvoy; and pilots Richard Conry and Michael Guess—died in a plane crash 5 years ago to the day. Five years, half a decade already: The time has passed so quickly that it comes as a shock to stop and recall just how long Paul has been gone. In marking his death, we remember that the years are passing just as fast for each of us, and that they can take us, as they took our friend Paul, when we are least ready to go. What a privilege we have to serve here—what a short time we are given! Paul's death and Paul's life remind us to fill that short time with all the best we can bring. Paul Wellstone did: He lived just 58 years, and yet it seems that in that time, he lived enough to fill two or three or four lives.

Paul was a champion wrestler who became a champion scholar; a tireless activist and organizer who became a beloved professor; everywhere and always a fighter, full of energy and zeal and real love for the people he spoke for in this Chamber. He was, in the proud tradition of his State, one of the happiest warriors I have ever known. He was an intellectual, a Ph.D., but never abstract; all the theories in the world meant nothing to Paul if they couldn't lift up the single mother struggling to support a family or the torture victim seeking refuge in America or the sufferer of mental illness marked with an unjust stigma.

Paul suffered with each of them. In fact, the pain that Paul felt in his life—the ache of his multiple sclerosis, the challenges of growing up the son of immigrants, the pain of his brother's mental illness—became his most powerful political weapon. Pain cuts some of us off, but not Paul Wellstone: He found the greatest salve in reaching out, in traveling up and down Minnesota in the dead of winter in his rickety green campaign bus; in taking time to thank the cooks, waiters, and janitors who served at so many of Paul's events; in stretching out an appearance to two or three times its planned length because he was so caught up in a conversation, until his staff were forced to grab him by the arm and literally drag him out of the room.

He was given 12 years to make his mark in the Senate. And in that time, he helped ensure that toddlers all through this country would have a head start in life. He ensured that his State would be a refuge for victims of torture who came here from the dungeons of Central America or Asia. He fought hard against sex trafficking and against domestic violence with Sheila Wellstone, herself a leading advocate for battered women. He helped make sure that families stayed warm in the winter, because the government gave them the heating assistance they needed. And inspired by the struggles of his brother, he struggled to end the discrimination against the mentally ill by insurers. In that last cause, I was particularly proud to stand beside Paul; and finally enacting mental health parity legislation would be a fitting honor to his memory.

Paul did so much more than ever could be expected with the short time he was given; he was driven by an untiring spirit. But he also understood that legislation, as much good as it has the power to do, is something of a symptom, an outward phenomenon; the deeper causes of what we accomplish in this Chamber are the movements and forces that put us in office, that make one cause prosper and another weaken—Paul's ear was to the ground and his eyes were on the roots. He was a Senator-organizer: and as much energy as he put into legislating, he put more into building a movement that would outlast him.

So I wish that Paul were still at his desk in this room today; maybe grayer and a little more stooped, but still giving his all to the fight to end a misguided war, one he opposed since the outset, or pouring out all his passion against torture and lawlessness in our own government. I wish we still had his voice.

But on another level, I know that it doesn't matter. The activists and candidates and grassroots organizers trained by Wellstone Action, a nonprofit set up in Paul's name, still memorize a phrase he used to remind us all that politics is first and foremost about those we serve: ''It's not about me, it's not about me, it's not about me.'' Paul knew that the name at the top of the bill, the politician at the top of a ballot, the voice speaking the words matters little. The citizens whom we serve are the ones who matter most, and Paul's commitment was, first and foremost, to those of our citizens whose lives are spent at the margins of our society.

''Some people,'' Paul's home newspaper wrote today, ''live lives so large that they never really die.'' It was true of Paul Wellstone, and his wife Sheila, and his daughter Marcia. May we live in their example, so that those words will one day be true of each of us.●

Mr. DORGAN. Mr. President, 5 years ago today, our colleague Paul Wellstone and his wife Sheila Wellstone were killed in a plane crash in northern Minnesota. It hardly seems like 5 years.

I remember that morning I was on the road driving in a van to Grand Forks, ND, going to a meeting when I received a call that an airplane had gone down in northern Minnesota and it was the plane that Paul and his wife Sheila and some staff were on. They feared that the crash had taken their lives.

I was thinking as I was coming over here today that the day Paul and Sheila were killed was very much like today—a gray day with rain and moisture. Paul and his wife were on a plane

flying to a funeral in northern Minnesota. They lost their lives. They were in the final stages of a very aggressive Senate campaign, one I believe Paul would have won. I believe he would have retained his seat in the Senate. He cared deeply about his opportunities, his privilege, and his obligation as a Senator.

A couple weeks ago, I was on the campus of the University of North Carolina at Chapel Hill, and I was walking across the commons of the campus and looked to my left and I saw a small memorial garden to Paul and Sheila Wellstone. I didn't know it, but I asked someone why that garden existed on the campus of the University of North Carolina. They said because it was where Paul Wellstone earned his PhD, where Paul Wellstone had been a college wrestler and, I believe, a college champion wrestler. I had not known that previously. Nonetheless, there is a tribute to Paul and Sheila Wellstone on the campus of the University of North Carolina at Chapel Hill.

Last week, I was visited in my office by about eight people to present me with a framed plaque of sorts because of Paul Wellstone. I was thinking of that as I came to the floor as well. This was a group of people who represented the major automobile industry in this country, the large auto producers, and the independent shops around the country that do automobile repair. I had nearly forgotten about what had gone on as a result of this, but they asked to come and see me and they came in and said: You and Senator Paul Wellstone 6 years ago did something that made a big difference, and we wanted to recognize that work. I said: I am happy about that, but let me make sure you recognize and let me accept it for Paul Wellstone in his memory.

Paul sat in that desk right back there on the end. It was on the floor of the Senate that he came to me breathless—and he was usually breathless because he had so much energy and passion about things—and he said: I went to an automobile repair shop in Minnesota, a small family-owned auto repair shop. They told me they cannot get the codes for the new automobiles in order to be able to repair them because the automobile manufacturers have these codes in their computers and they won't provide them to the independent auto repair shops, which means when you buy a car at a dealership, you have to go back to the dealership to get it fixed. In order to get a diagnostic, you have to have the codes and they won't give the independents these codes.

He said: BYRON, that is an outrage. I want you to hold a hearing on that.

I chaired the appropriate subcommittee in the Commerce Committee, and I said I would be glad to do that. Why don't you come and be a part of the hearing and sit on the dais. He was not on the Commerce Committee. I invited him to make a statement and ask questions. So we held a hearing in the Commerce Committee. The room was full of people representing the independent auto repair shops around the country. We had a lot of them travel to Washington, DC.

There was testimony by the automobile manufacturers and the folks running these little auto repair shops around the country. They had a big disagreement. I felt and Paul felt it was unfair to the independent auto repair dealers, the small shops, not to be able to get the codes so they could fix these automobiles that were in disrepair.

I remember Paul's statement at the hearing sticking up for the little guy, saying these folks running these automobile independent repair stations should not be disadvantaged like this; they ought to have an opportunity to do this as well.

As a result of that hearing, the automobile manufacturers and the independent repair shops decided they would work together and find a way to solve the problem. Last week, a group of them came to my office and presented me with something that said what you and Senator Wellstone did required us to sit down and negotiate, and we negotiated and solved the problem, and now we provide the codes to the independent auto repair shops. The folks from the independent shops were there and said we now have a good relationship with the auto manufacturers.

That issue got solved because Paul Wellstone was standing up for the little guy. He went to a repair shop in Minnesota and found out the independent owner of that shop was not being treated fairly, in his mind, and in my judgment. So he brought it to the Congress. We got together and held a hearing, and the result is this was solved. It was negotiated in a way that was good for the consumer, good for the folks who owned the automobile repair businesses and, frankly, good for the automobile manufacturers. They have admitted that as well. I thank all of them for negotiating that in the right way.

Mostly, I thank Paul Wellstone for the energy he had in the Senate to always stand up for the little guy. The interesting thing about Senator Wellstone, however, is that as he stood over by that back seat over there, on every single issue Paul Wellstone stood up and wanted to know how it would affect kids—especially poor children in this country, many of whom feel hopeless and helpless, many of whom feel they do not have the same opportunities. He was unrelenting in trying to make certain we pass legislation that gave America's kids a good opportunity to be successful.

The other issue for which all of us remember Paul Wellstone—and my colleague, Senator DOMENICI, surely will because he was Senator DOMENICI's partner—is parity for mental health care because mental health care has not been treated the same way in most insurance policies, and still is not in many insurance policies, as other health care one might get. If one breaks an arm or a leg or has a disease, one gets health care treatment, and it gets covered by their insurance policy. But mental health has been treated differently.

Paul devoted much of his time in the Senate saying we ought to be fair and have parity as to how mental health is treated in health insurance policies in this country.

I came to the floor to observe, as others have today, that it is 5 years to the day we lost a good friend. He was one of those who said: Here is what I am; here is who I am. I am not trimming my sails to make things sound better for anybody. I am just going to fight as hard as I can fight for issues I care about and issues I believe are right for Minnesota and our country. I have always admired that spirit.

Those of us who were privileged to be Paul's friend also know Paul Wellstone was a team. It was Paul and Sheila Wellstone. Most of us in the Senate who had the privilege of serving with Paul and knowing Sheila and Paul as a team continue to miss them a great deal.

I wanted simply today to celebrate the memory of Paul Wellstone and Sheila Wellstone and talk about the contributions they made in this country and the contributions through public service to their country.

Mr. SANDERS. Mr. President, this is the fifth anniversary of the death of Paul and Sheila Wellstone. I wished to say a few words on that. I was a friend of Paul's when I was in the House, and on some of the important social and economic issues that I worked on there, he was the person to whom I went, to work with a Member of the Senate.

I think history will remember Paul Wellstone as one of the great Senators of our time, not just because of his accomplishments but, more importantly, because of the extraordinary vision that he had.

Paul believed very much that we could create a very different kind of world than the world that we are living in right now. He was prepared and did stand up day after day on the floor of this Senate, taking on virtually every powerful special interest that exploited working people and low-income people and who led us to wars we should not be fighting.

He was a man who believed passionately in a world of peace, in a world of economic and social justice. That vision he brought forth is the vision I hope nobody in the Senate, nobody in this country, ever forgets.

One of the major characteristics of Paul Wellstone is he understood that the way we succeed politically is not simply by going out to the wealthy and the powerful begging for more and more campaign contributions, which is what happens so often. He understood that the way to win elections is by rallying ordinary people at the grassroots level, and perhaps it is that achievement, from a political perspective, for

which he will most be remembered. I know in Minnesota he organized at the grassroots and brought thousands and thousands of people who had not been involved in the political process together to stand up under a progressive program for economic justice and a world of peace. He understood profoundly something many here do not address: Real change takes place from the bottom, not from the top, and when millions of people stand up and say it is imperative that we have economic justice, that we have a livable wage, that we have a health care program which guarantees health care to all of our people, that we protect our environment, when that comes from the grassroots, then we will succeed. He was a tireless advocate of grassroots politics.

As someone who worked with Paul, who was very fond of both him and Sheila, the vision they brought forth is something for which I will do my best to continue advocating. His loss was a loss for the working people, for the vast majority of the people of this country, and for the Senate.

I will not forget what Paul Wellstone stood for.

Mrs. MURRAY. Mr. President, I come to the floor to pay special tribute to a very special individual who is no longer with us in the Senate. He was a friend to me, a tremendous U.S. Senator, and he was an advocate for thousands and thousands of human beings across this country who may never have met him but for whom he spoke so eloquently. That was Senator Paul Wellstone.

Five years ago today, we lost that friend, that Senator, that passionate advocate. Still every day I come to this floor, I can see him here, raising his voice, throwing his arms out, speaking to everyone as if they were right in front of him about the issues he cared about.

Every one of us has special memories of Senator Wellstone, whether it was his speeches on the floor of the Senate as he wandered back and forth and put his tremendous voice to such great use. For me personally, it was listening to him talk about the issue of mental health. It was standing beside him when he introduced the bill to ban asbestos 6 years ago. We looked around, and we were a pretty lonely crowd trying to make that happen. I know he would be so proud, wherever he is up there today, looking down and knowing that this Senate 6 years later passed a ban on asbestos.

It was such issues as the war where Senator Wellstone, even though he was in a very tight election race at the time, stood his ground and said what he felt so strongly, that he could not vote for this country to go to war in Iraq. He feared no one in making that decision, even with the election he was facing.

He was a friend and partner, someone I knew so well. My best memory of him was going to his State. He invited me there, as we all do with our other colleagues when we are out campaigning and ask them to help us. Senator Wellstone didn't ask me to come and do a fundraiser for him. He didn't ask me to do a speech to some dignified crowd in some ballroom. He didn't ask me to come and wear a suit. He asked me to come to his State the week before his election and do what he called ''a people raiser.'' He did it in a gymnasium. He invited people to come and donate their time because of what he cared about, the issue he fought for, to bring people into politics. He did it that day in such a tremendous way. All of us who knew him knew he was never comfortable talking to a crowd that was sitting down. He had to inspire them and have them all standing in front of him and applauding. He did it every time he spoke.

I miss him so much in the Senate. It is hard to believe it was 5 years ago that we lost such a tremendous advocate. I think he would be proud of the legacy he left in his own family, in the issues he left for many of us, and the passion as we move forward. I know if he were here today he would be saying: Don't talk about me. He would be in a back room someplace making sure we never forgot the people who sent us here and the tremendous issues they face at home. He would be inspiring somebody to stand up and speak out.

I hope we continue to do that in his memory for many years to come.

Mr. LAUTENBERG. Mr. President, for those who served with him, the death of Paul Wellstone 5 years ago was such a shock because not only did Paul represent intellect and vigor, he also, because of his enthusiasm and high energy level, represented a youthful picture. He looked like a young guy, college-age person. When he spoke, he did it with such energy that everybody would hear him or listen to him. If you didn't hear him, he would make sure you heard him because he was never bashful about sticking up, about talking about things he believed in. There was very little he did not believe in that would engage him so—I will use the term—furiously in his presentation.

So it is appropriate we remember a distinguished Member of the Senate, who served only a short time, and was on his way for another term. But his impact was enormous. I think in many ways he created a picture of courage and right that serves as a model for things we generally do here.

I, as so many here did, regarded him as a friend. I did not see him unable to talk to people on the Republican side of the aisle or otherwise. No matter how vigorous his arguments were, no matter how energetic his presentation was, the fact is, he would dismiss any difference as a part of a normal process. He would continue on with his insistence that what he did was right, but he was never righteous about it.

We will always think of him when we think of what is right to do in the Senate.

Mr. BYRD. Mr. President, 5 years ago today, our country lost a good man. Now, I am mindful of what the Scriptures say in that there is no man who is good. I am mindful of that. But this is a statement I am making, and in the context of the thoughts I wish to express, I am going to say: Five years ago today, our country lost a good man. It lost an outstanding Senator. It was 5 years ago today that Senator Paul Wellstone and his wife Sheila and their daughter Marcia perished in a tragic plane crash.

Paul Wellstone died tragically, but he lived heroically. Paul Wellstone was unique. I knew him. Paul Wellstone was priceless. Paul Wellstone was irreplaceable. Paul Wellstone was a Senator of remarkable integrity and remarkable courage.

Only a few days before his tragic death, I witnessed firsthand the integrity and the courage of that Senator, Mr. Paul Wellstone.

Paul Wellstone was in the late stages of a close campaign for reelection. Paul Wellstone had been targeted for defeat by the George Bush-Karl Rove political machine. And this Senate was about to vote on the Iraq war resolution. I was here.

At that time, granting President Bush the authority for an invasion of Iraq was the political thing to do. The White House had convinced most of the country that Iraq possessed weapons of mass destruction and that Saddam Hussein was poised to use those weapons.

Many Americans had been frightened by a steady drumbeat of White House rhetoric about mushroom clouds and weapons of mass destruction. Many Americans had been convinced that the war would be brief and that our troops in Iraq would be welcomed with open arms.

Despite the then-prevailing view that voting against the Iraq war was political suicide, Senator Paul Wellstone—God rest his soul—Senator Paul Wellstone proudly and defiantly—do you hear that word ''defiantly''—announced he would vote against it. I will never forget his words.

Seldom have I been so impressed with the courage of a colleague. Senator Paul Wellstone took a principled stand, a stand that would undoubtedly cost him votes, and maybe his reelection.

Did Paul Wellstone flinch? No. He did not let that sway him. He stood against the White House. Paul Wellstone stood against the easy, popular winds of the time. Paul Wellstone stood against the rush to war.

Senator Paul Wellstone placed the good of our country and the lives of young Americans far above his own reelection. That was Paul Wellstone.

We needed more Senators like Paul Wellstone.

Paul Wellstone exemplified the courage of his convictions. Senator Paul Wellstone stood proudly against the rush—the rush—to war. Senator Paul

Wellstone was brave. He was passionate. He was ever true to his conscience and to the people he represented. Despite the pain and the difficulty of multiple sclerosis, Paul Wellstone carried on and made us all feel humbled and proud by his bravery.

When the Senate lost Senator Paul Wellstone 5 years ago today, the Senate and the country lost a man of remarkable integrity. How I wish our country had more men like him—Paul Wellstone.

I close this statement with a poem, a remarkable poem—a remarkable poem for a remarkable man.

God, give us men!
A time like this demands strong minds, great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.
Men who can stand before a demagogue and brave his treacherous flatteries without winking.
Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
its large professions and its little deeds,
mingles in selfish strife, Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character; men of sterling worth;
then wrongs will be redressed, and right will rule the Earth.
God give us men!

Thank You, almighty God, for this remarkable man, this man of great honor, this remarkable man, Paul Wellstone. Whence cometh another?

Mr. FEINSTEIN. Mr. Presdient, 5 years have passed since we lost our distinguished colleague, Senator Paul Wellstone, in a tragic plane crash. That crash also took the lives of his wife Sheila, their daughter, Marcia, three loyal staffers, and two pilots.

That sad day the Senate lost a passionate, gifted, and respected colleague and friend.

Paul was a political science professor, with a sharply honed intellect. But his heart was as big as his mind, and he was a committed advocate for the less fortunate.

He was elected in 1990 and quickly became a strong, crusading voice in the Senate.

Paul fought for increased education funding, for improvements in the minimum wage, for affordable, accessible health care, for campaign finance reform, for legislation to protect small farmers, and for legislation to expand insurance coverage for the mentally ill.

Paul helped lead the successful opposition to an energy bill in 1991 that would have opened the Arctic National Wildlife Refuge to oil exploration.

Paul was a champion of the dispossessed around the world—in Latin America, in Africa, and in Asia.

In 1996, when I voiced concern over the treatment of women and girls by the Taliban, Paul was one of the few open to the idea that the United States should do something.

In 1999, Paul and I introduced the International Trafficking of Women and Children Victims Protection Act to address these heinous crimes and to hold to account nations that fail to meet minimum international standards.

Paul cared deeply about Tibetan autonomy. The last time we worked together was to cosponsor legislation to encourage dialogue between the Dalai Lama and the Chinese Government—and to protect the identity of the people of Tibet.

He would have been pleased to see the Congressional Gold Medal—the Nation's highest civilian honor—awarded to the Dalai Lama earlier this month.

Paul was eloquent. He was compassionate. And he is missed. I feel honored to have been his friend and colleague. I will never forget him, and the Senate is better for his service.

Mrs. BOXER. Mr. President, I can hardly believe it has been 5 years since we lost Paul and Sheila Wellstone. It still seems like only yesterday that I would see Paul pacing up and down the aisles on the Senate floor, speaking out for Minnesota and what he so affectionately called the ''little fellers'' in the world.

There isn't a day that goes by that I don't miss him and beloved wife and soul mate, Sheila, but the loss is especially poignant in these tough times our country faces.

I remember during the Iraq war debate, Paul spoke out passionately against the resolution authorizing the go-it-alone military approach in Iraq. He spoke, almost prophetically, about the possible consequences of our actions—how it would impact the continuing war on terrorism and efforts to rebuild Afghanistan. He said that the gravest concerns were those raised about the possible loss of life—to our soldiers and innocent Iraqis. I can hardly imagine what he would think of the mess we are in today.

That day, Paul was strong and unafraid, as he always was, even though he knew his ''no'' vote could cost him his Senate seat. He said then that the ''only way to do it, is to do what you honestly think is right, and then whatever happens, happens.''

I think history has shown that Paul was absolutely right. And my only regret is that he is not here today to continue speaking out against the war in Iraq.

There are times when it is positively exhausting to keep fighting for just causes, especially against this administration. But then I look at the wall in my office and I see a beautiful picture of Paul and me together, and I think of what he would say if he was still here, and I am sure he would tell me to stand up and keep fighting.

We all lost so much 5 years ago on that tragic day—Paul, a fighter, a hero, a friend, a father, a grandfather. And of course we lost Shelia, Paul's partner in life, their daughter Marcia, and three devoted staffers. My heart still aches.

But what we gained, from Paul's life and legacy, cannot be erased by time. His passion and life's work is being carried on by his friends and colleagues, and by the good people of Minnesota, who I know miss him dearly.

And I know that if he could, Paul would tell us that there is no time for tears, and as he said many years ago, this is no time for timidity.

Mr. LEVIN. Mr. President, today we mark the anniversary of a sad event. The tragic deaths 5 years ago of my friends, Paul and Sheila Wellstone. Yet I know that I join today the people of Minnesota and my colleagues here in the Senate in celebrating the lives they lived and the legacy they left behind.

Paul was a remarkable man who stood up in the Senate for those most in need of representation, the underpriviledged, the oppressed, and the mentally ill. He stood up and he never backed down.

Paul Wellstone was a man of great energy and passion, seemingly always in motion, but never too busy to have a word with people he would come across in the corridors or in the elevators, never too busy to take a moment to talk with the tourists in the Capitol, Senate workers, or the constituents of other Senators. For this, he was beloved by the many people who serve us here in the Senate and the many others he touched. We all miss his eloquence, and his humor, but, most of all, we miss this man of warmth and caring.

When that plane crashed in northern Minnesota 5 years ago, his beloved State, the Senate, and the Nation were deprived of a wise and thoughtful leader. When I stood on the Senate floor to pay tribute to Paul Wellstone shortly after the accident, I pointed out that one of his last acts in the Senate was a vote against the war in Iraq. I recalled his speech then. But now, 5 years later, after the painful course which that war has taken, his words ring even more true. He saw and understood the first of the series of mistakes made in Iraq. He said, ''Acting now on our own might be a sign of our power. Acting sensibly and in a measured way, in concert with our allies with bipartisan congressional support, would be a sign of our strength.''

Paul never feared to fight for what he believed, even when in a small minority like his vote against the welfare reform bill in 1996, and his battles against the bankruptcy bill, and on behalf of more equitable funding for the victims of mental illness.

My wife Barbara and I often think of our friends, Paul and Sheila Wellstone, and the good times we shared. Because of those enduring memories, we celebrate their lives on this anniversary, in much the spirit that they lived, with a smile in our hearts.

Mr. NELSON of Florida. Mr. President, it is 5 years ago today that we lost one of the most articulate, most energetic, and brightest lights of this Senate when our colleague from Minnesota, Senator Paul Wellstone, and his family were killed in an airplane crash as he was campaigning in Minnesota for reelection.

Paul sat at that desk right there, and from that desk he would pace back and forth with his speeches, like a caged lion, because the energy was bursting from him as he would speak with such passion about the poor and the downtrodden and the dispossessed. It was such a voice that was snuffed out that when they had the memorial service for him, it is amazing the number of Senators who went to Minneapolis for that memorial service; Senators from both sides of the aisle, who had tremendous respect for this Senator who spoke with such passion.

I wanted to add my voice to those who have recalled the life of Senator Paul Wellstone and what he meant to America and to the Senate.

Mr. BROWN. Mr. President, today we remember Paul Wellstone, his wife Sheila, and his daughter Marcia. Today my wife Connie and I send our thoughts and prayers to the Wellstone sons, Mark and David.

Paul, so many of our colleagues noted earlier today, was more than a Senator, more than a professor. He was, of course, first and foremost a loving husband and a proud father. But for millions of Americans, Paul Wellstone was a hero.

Paul was an unparalleled champion for social and economic justice. He led by example, fighting for the weakest among us, those whose voices are too often drowned out or altogether ignored.

In the Senate, Paul Wellstone was their voice. He may have had the title ''Senator,'' but he proudly, perhaps more proudly, wore the moniker ''activist.'' From this Chamber, he fought for the poor, for the veterans, the environment, and working men and women not just in Minnesota but across the land and across the world. He led by example, an example we in this Chamber are well served to follow.

Five years after his death, he remains sorely missed.

Mr. HARKIN. Mr. President, today marks 5 years since the tragic death of our friend and colleague, Paul Wellstone of Minnesota.

You know, I look around the Chamber, I see men and women of remarkable talents and abilities. But I have also had a strong sense that over the last 5 years there has sort of been a void in our midst; a very special Senator, a Member who played a unique role within this body, has been missing.

It is as though we are suffering from ''phantom limb syndrome''; you know, where a person loses a limb but still feels its presence. Whenever an issue of moral urgency, an issue of conscience comes to the Senate floor, I still expect to look back over here in the back row and see Paul Wellstone over there, chopping his hands in the air, speaking with his passion, urging us to do the right thing. On that score, I remind my colleagues that one of the last major votes cast by Senator Wellstone was his vote against a resolution later used by President Bush as an authority to launch an invasion of Iraq.

I remember it well because Paul and I were very close friends, and we debated this between us. I said: Paul, no, Bush is not going to use this as any kind of authorization to go to Iraq. This is only meant to give him the authority to go to the U.N., to get the U.N., which is what we want to do, is to get the U.N. inspectors back there.

Well, I think Paul was a little more prescient than I was. So we did not vote the same way on that. I will forever rue the day I voted to give President Bush that authority. Quite frankly, Senator Wellstone was in the midst of a very difficult reelection campaign when he cast that vote. So I think it is a measure of his political courage that he cast that vote without thinking about any political consequences.

Five years later, with our Armed Forces bogged down in a civil war in Iraq, it is painfully clear Senator Wellstone's vote was not only a courageous vote, it was the right vote.

I think Paul truly was, as I have said before, kind of the soul of the Senate. I have said before that no one ever wore the title ''Senator'' better or used it less. He loved it when ordinary folks came up to him and called him Paul. Some Senators might not be so approachable. Paul Wellstone was. He took that as a sign that ordinary people knew he was one of them. He was approachable and he cared.

Paul Wellstone was truly my best friend in the Senate. But he is one of those rare souls who so many saw as their best friend. He had a powerful authenticity about him that made a miner up in the Iron Range know he was as important to Paul Wellstone as the President of the United States. That was a very unique ability he had.

He never had to proclaim his decency. It shone forth in great acts of political courage and small acts of human kindness. He never had to say he cared. He never had to proclaim his compassion. You just knew it was there. The hard-working folks he cared about most didn't have lobbyists of influence, but they had Paul Wellstone. He truly was their best friend.

So 5 years later we remember the political science professor whose measure of truth was never in political theory but in the impact of our decisions on real people. We remember the community organizer who understood how to bring people together, rural and urban, environmentalists and labor, Republicans and Democrats and, as I have often joked, he even brought Minnesotans and Iowans together. We remember a leader, a proud Democratic Farmer Labor Party liberal who constantly reminded those of us who are Democrats that the purpose of our party is to offer hope and opportunity to all Americans, including the neediest among us.

I still remember the first time I ever met Paul Wellstone. It was in 1988. I was a freshman Senator. We were in the midst of one of the deepest recessions—depressions, almost—in farm country that we had had since the Great Depression. Farmers were losing their farms all over the Midwest. Suicides were up. Families were breaking up. There were bankruptcies. It was not a very good time in farm country. I remember I went out to speak to a large group right outside of Austin, MN, at a big farm gathering. I know there were well over 1,000 farmers. It was a big gathering. I think the Minnesota Farmers Union or maybe the National Farmers Union had pulled them together.

So they asked me to come speak because I had been, at that time, trying to get through a bill called the Harkin-Gephardt farm bill to respond to the crisis.

So I went there to speak and, of course, as any big gathering like that on the stage, you have a lot of different speakers. I was supposed to be the final speaker. I was the Senator. So I get there. We had one farmer speak, then the head of the Farmers Union speak and then somebody else spoke and then somebody else spoke. Right before me, they had this guy, this Professor Wellstone. I had never met this guy, and I am on the stage with him. I am preparing my remarks, thinking how I am going to get the crowd up and excited, get them stimulated. And so this Wellstone guy gets up to speak. He has long curly hair. He has a T-shirt on, kind of rolled up. He was muscular, a wrestler.

How can I say it? After he spoke, I didn't quite know what to do. He had everybody up. He was so enthusiastic. He had everybody pumped up. He had everybody enthused. I thought, how can I follow this? Well, I tried my best. It wasn't very good. I came back to my staff. I said: I don't know who that guy is, but don't you ever put me on after him again.

That was my first introduction to Paul Wellstone. Then after that we became friends. After that, through mutual friends in Minnesota, I found out that he was thinking of running for the Senate. Of course, he had a big primary. He won it. Of course, I couldn't do much to help him because I was fighting for survival myself in 1990. I had a Congressman running against me. I was a first-term Senator. But I couldn't have been more happy, after my own reelection, than the fact that Paul Wellstone won that race in Minnesota in 1990. So we joined forces in the Senate.

In 1996, running for reelection, that was a tough year. Quite frankly, both of us nearly lost. We were very close. I remember talking to him on the phone.

I said: Paul, I don't know if I am going to survive. He said:

Yes, we are going to survive.

Then 2002 came. I remember a dinner with another colleague. I won't mention the name. It is a personal thing. But we were thinking maybe of not running again. Paul Wellstone had said he was only going to serve two terms, and he was afraid of breaking that commitment. So we discussed this over dinner. Our wives were with us. We discussed the issue of running or not. I thought, well, I have been here for a couple terms myself. I didn't know if I wanted to do it anymore. That would have been my third term, his second. Then one by one we decided we were going to run again, and we talked Paul into it.

We said: Paul, you have to be here. You have to do it. And don't worry about that. Your people will understand. You have things to do. You haven't finished your job.

So we all decided, yes, we would seek another term in office.

Paul once said:

> Politics is about what we create by what we do, what we hope for, and what we dare to imagine.

Paul was a hopeful man. I always remember that green was his color. He had that bus painted green. When I say ''painted green,'' I mean with a paint brush. It was an awful paint job they did on that bus of his. He climbed aboard that bus in 1990 and set out to build a better America. But Paul never meant for it to be a solo voyage. He wanted us all aboard.

Though Paul is no longer with us, his journey for justice continues. Near the site of the tragic plane crash is a beautiful physical memorial for Paul and the seven others who died there: his wife Sheila, daughter Marcia, two pilots, campaign staffers Will McLaughlin, Tom Lapic, and Mary McEvoy. That is the physical monument.

I would like to think there are also living memorials that Paul would have been truly passionate about. One of those is the nonpartisan, nonprofit Wellstone Action organization founded by his sons, Mark and David, which trains citizens in civic activism and grassroots, people-to-people politics, the kind of politics he loved and excelled at like no one else.

I think there is one more Paul Wellstone legacy. It is not tangible, but it may be the most powerful legacy of all. That is our memory of his passion, his convictions, and his incredible capacity for bringing people together to accomplish important things.

Before closing, I must mention one of those important things he fought so hard for and was so passionate about that still remains unaccomplished. He fought hard all the time I knew him to end the neglect and denial surrounding issues of mental health, access to mental health services. Over 41 million persons suffer from a moderate or serious mental disorder each year. Less than half receive the treatment they need, and 80 to 90 percent of all mental disorders are treatable by therapy and medication. Paul fought very passionately for the Mental Health Parity Act to end the absurd practice of treating mental and physical illnesses as two different kinds of things under health insurance.

In late 2001, the Senate passed the Mental Health Equitable Treatment Act, sponsored by Paul Wellstone and Senator DOMENICI of New Mexico—that was when I happened to be chairman. We had a brief interim where we had the Senate, at that time, 2001–2002—as an amendment to the 2002 Labor-Health and Human Services-Education appropriations bill. It passed the Senate. Then we went to conference. In conference it was argued that this was not the right place for it, that it should be on an authorization bill, not on an appropriations bill. I don't have the words right here, but I have them, when people committed that we would take care of mental health parity the next year on an authorization bill. So it was dropped in conference. Then 2002, 2003, 2004, 2005, 2006, 2007, and we still don't have mental health parity. The Senate passed it. A strong majority of Members in the other body supported a similar bill entitled the Paul Wellstone Mental Health and Addiction Equity Act of 2007. But we still don't have it done.

I can't think of a better living legacy to Senator Paul Wellstone than for this Congress, the 110th Congress, to pass the strongest possible mental health parity bill and send it to the President to become law. I hope we can get that job done before we go home whenever that may be.

In closing, for those of us who had the privilege of serving with Paul Wellstone, his spirit is still very much with us. He still inspires us. He still calls us to conscience. He still makes us smile when we think of his puckish humor. He was the finest of men. We miss him greatly.

Mr. CARPER. Mr. President, having had the privilege of serving with Paul Wellstone for a couple of years after arriving as a Senator, not knowing him as well as Senator HARKIN knew him, I say amen to all the Senator from Iowa said and thank him for reminding us.

Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 294, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 294) to reauthorize Amtrak, and for other purposes.

Pending:

> Sununu amendment No. 3452, to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.
>
> Sununu amendment No. 3453, to prohibit Federal subsidies in excess of specified amounts on any Amtrak train route.
>
> Lautenberg (for Carper) amendment No. 3454 (to amendment No. 3452), of a perfecting nature.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 3453

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Jersey for giving me this time and for being a longtime advocate of Amtrak but not only the eastern corridor Amtrak. The Senator from New Jersey has worked diligently for a national system. The reason we have a need for a national system is because it is national. The national system connects other routes to each other. If we had funded Amtrak in the same way we funded and helped other modes of transportation, we would have a bigger ridership because we would have better on-time delivery. The bad on-time delivery has caused a drop-off in ridership. This does not mean we should abandon the national system.

I am pleased to be a cosponsor of this bill. Senator LOTT has been another longtime champion of a national system. There are 41 cosponsors of this bill. We have worked together to make sure we don't only subsidize the eastern corridor. I have said all along, it is national or nothing for me. I believe in a national passenger rail system, one that connects our country from coast to coast. My vision is that we have a track going across the northern part of the country from the Atlantic to the Pacific, the southern part from the Atlantic to the Pacific, and then from the top to the bottom of our country, from the northernmost point down to the tip of Florida and the tip of California. That is a national system. It would have a track that also splits the middle of the country from Chicago down to Texas. From there, we have the capability to have State systems that would emanate from that skeleton.

It is important that we stay together. It would be easy to say: Well, the northeastern corridor does own its own tracks, and therefore it is more efficient, and why don't we just cut off the rest of the country and subsidize that? That is not a national system. I

could not in good conscience support only a northeastern line. My constituents would be robbed of the Texas Eagle and the Sunset Limited lines, and there are other States that have legitimate needs as well. If we actually had done better by Amtrak all these years, we would require fewer subsidies.

I am pleased to support the bill, but I do not support the Sununu amendment. It isn't that I don't think his heart is in the right place. He is trying to save money because Amtrak is subsidized. We don't deny needed highways in the rural parts of our States. All of our Federal highway money is divided. It goes into rural areas. Why would we deny Amtrak service to other parts of the country that don't have the ridership mainly because of the on-time service not being dependable?

In 2003, a public opinion poll showed an overwhelming 85 percent of participants supported Amtrak, $2 billion worth of funding for Amtrak. We need a better system. We are working for a better system.

The bill before us is a well-debated, well-adjusted bill that isn't everything the Senator from New Jersey wants. It is not everything the Senator from Mississippi wants. It is not everything this Senator from Texas wants. But I know that if we have a national system, it is an important alternative mode of transportation for our country. We need highways. That is the bread-and-butter transportation system for the country. We need air transportation, and we do provide an air traffic control system to support that. A national rail passenger train is another mode that, in the event of an emergency, is a very helpful mode of transportation. After 9/11, when our air traffic system was shut down, people went to Amtrak. We needed that for the emergency. I believe we would be able to have much more in Amtrak if we funded it at a level where it would have better service and if we could get freight rail to work with us to actually help us alleviate some of the congestion they cause on their freight lines. We could work this out if we had rail support for Amtrak. It is important that we do that.

In 2005, SAFETEA-LU authorized more than $40 billion on our highways for fiscal year 2009. The Senate will take up an FAA bill later this year that will invest $17 billion in aviation annually. We just sent the President a water resources bill authorizing $23 billion over the next 2 years. There is always a different standard for Amtrak. Amtrak is asking for, in this bill, $2.1 billion a year. I don't know why Amtrak is a stepchild. If we have the resources necessary to make it a system that serves the whole country, it would be an environmentally effective, efficient system that would operate to not only provide transportation needs in rural parts of the country, where you can have buses that go into very small communities and feed into an Amtrak station, but the service would improve. The on-time delivery would improve. For the kinds of subsidies we need, that we are authorizing in this bill, it should be a national system, not a northeastern corridor system. That is what is fair for the country. It is right for the country.

Always in the Senate since I have been here, our Amtrak supporters have been national-or-nothing Amtrak supporters. I have supported the northeastern corridor. My friends on the northeastern corridor have supported a national system. Even in the hardest times, we have kept the system together. If we do that, we will see that the States will step in and do more, as California and some of the Western States have done, to their credit. We will have more private lines, more mass-transit lines, such as we have coming into Dallas, feeding into the Amtrak station, making it more used. In Texas, 250,000 passengers used the Texas Eagle and the Sunset Limited last year. It is a very important mode of transportation. The more we can do to make it efficient and effective, the better off we will be.

The Sununu amendment would wreck the national system. I hope we will reject that, even though I respect my colleague from New Hampshire. I know his heart is in the right place. I want to work with him to make Amtrak more efficient, but dropping national lines is not going to make it more efficient.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the distinguished Senator from Texas. She has always been a supporter of a national passenger rail service. We appreciate the fact that we can work together on this project.

Among the routes that would be eliminated under a proposal that is in front of us would be the Crescent in the first year. The ridership there is not quite what it used to be because it originates in New Orleans and New Orleans is not a place where there is a lot of traffic. The Sunset Limited is the one—I am sorry—originates in New Orleans. In the third year, the Texas Eagle would be eliminated. Each one of them by themselves is not massive, but they are all part of a national network. When 9/11 came along and the aviation system was closed down, in many cases the only way to get more people to their destinations, home or otherwise, was through rail service. This would be a national security breach if we permitted this to be discontinued. There is no country in the world where there is rail service that doesn't have some subsidy contribution. We have to adjust ourselves to that. Neither would our aviation system work if we didn't make contributions to that; neither would our highway system be operating if we didn't, and we are deficient there.

We have to make sure that a national transportation infrastructure is in place. An integral part of that is national passenger rail service.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. LAUTENBERG. Surely.

Mrs. HUTCHISON. I was so pleased the Senator from New Jersey talked about the Sunset Limited because the Sunset Limited, which is the first line that would be eliminated under the Sununu amendment, connects California all the way through the southern part of the country, all the way through Texas. It goes through San Antonio and Houston, then over to New Orleans, through Mississippi, Alabama, and it ends in Florida. In Florida, you connect to go all the way up the northeastern corridor. If you take out the Sunset Limited—that is our intercontinental rail line all the way across the country on the southern side—you are taking out a major part of the connection to our national system. I hope the Senator from New Jersey is correct that we will not have a national system, if you take out the whole intercontinental southern half of it. I applaud him for bringing that out.

Does he think if we took out that whole southern system, the Sunset Limited, that it would enhance Amtrak? Would it enhance the eastern seaboard? Would it enhance all the investment California has made all the way up to California and into the States of Oregon and Washington? Would that be something that would help the system?

Mr. LAUTENBERG. In response, Mr. President, it would probably destroy the system. We can't escape the fact that the equipment is often moved around in different areas. We have to have this as a backup, as I said earlier, for security alone, but also, as we join the fight against pollution and greenhouse gases, the railroads are the best, most efficient use for transportation in those cases.

So I think the wholeness of Amtrak's system is essential. We want to work together and make sure we include this as one of the targets for improving our transportation efficiency in the country. We are, unfortunately, way behind—whether it is in aviation or on the highways; and, certainly, Amtrak has not gotten its share of support. So we are looking forward to doing that.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Mississippi.

Mr. LOTT. Mr. President, I do not want us to have only those speaking who are opposed to the amendment. I know the sponsor, Senator SUNUNU, is here and will probably want to speak momentarily in support of his amendment.

Let me say, to his credit, unlike some of our colleagues, he has been involved in this issue for years. As a member of the Commerce Committee, and when we were trying to get it up for consideration last year, he did not just try to block it from coming to the floor, he had some amendments, and we

agreed those amendments should be considered. That is the way to do this.

One of the things I said last night, and I want to expand on a little bit, is this bill may not be perfect, that we can perhaps have more improvements. But here is a case where the people I hear from say this is not a good bill because it does not do enough—not that they are opposed to most of what is in it, or what is in it; they just want to do more. But then you say: ''All right, what do you want?'' and they go silent.

So I think it is a major step in the right direction. If we can find more things that would improve the service, more reforms that would be helpful, I think we ought to consider that.

Mr. President, I ask Senator SUNUNU, would you like to speak now? I would be glad to defer and let you explain more about your amendment, and then I would follow you, if you prefer, or I can go ahead.

Mr. SUNUNU. Without objection, Mr. President, if I can respond to Senator LOTT, I am happy to speak whenever the Senator feels he has made all the points he needs to make, at least in the current time frame. I wish to speak for 10 or 15 minutes or so on the amendment, and we can move from there. I know we have been allotted 2 hours, but I hope and I think we will not have to take all the time.

Mr. LOTT. Mr. President, in the interest of fairness, usually we go back and forth. We have had a couple people speaking against the amendment—Senator HUTCHISON a few moments ago. I say to the Senator, if you wish to speak now, I encourage you to do so, and then we will have speakers on the other side after that.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. 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. SUNUNU. Mr. President, I rise to speak on the amendment I offered last night. This is an amendment that addresses the most basic question of fiscal responsibility. ''Fiscal responsibility,'' ''fiscal responsibility''—we hear this phrase all the time from politicians, whether you are inside the beltway from Washington or outside the beltway. I am sure at times people listening to the debate turn the other way because they hear everyone using this particular phrase as it seams to mean something different to everyone. But I say it is a most basic question of responsibility. Because we are not talking about how high the tax burden should be, or even how much or how large the Federal budget should be; we are not talking about whether we should spend money in a particular area so much as we are asking how much we should subsidize a money-losing proposition; how much money should the taxpayers be asked to spend on a business that is losing money.

Amtrak is a business, and Amtrak is losing money. We are in a position to be able to look at different parts of that business and try to identify exactly how much money they are losing in particular areas, and ask that simple question: What is fair? What is right? How much Federal funding should be used to subsidize a passenger on a particular train in the Amtrak system?

I would like to think my colleagues are willing to stand up and say the amount of money we should subsidize a passenger on a long-distance train is less than $1 billion per passenger. I think we can get agreement on that. Sometimes I am not sure if we could get agreement on that, but I think we could get agreement we should not provide a subsidy of $1 billion per passenger on every long-distance train Amtrak runs. That is a good starting point.

I would like to think we could get agreement the subsidy for every passenger on every long-distance train Amtrak runs should not be $1 million per passenger. In fact, let's say for the sake of reasonable discussion we can at least—at least—agree the maximum subsidy should not be $1,000 for every single passenger.

This is a basic question of fiscal responsibility. How big should that subsidy be?

Well, let's look at, first, how big the subsidy is today. There are 15 long-distance routes. Mr. President, 15 percent of Amtrak ridership consumes 43 percent of the total Amtrak budget. That is well in excess of $1 billion. The revenue generated? Less than $400 million. By the Commerce Committee estimates, that means there is as much as $900 million in losses—losses—for these 15 routes. The average per-passenger subsidy is in excess of $200 for everyone riding these trains. Now, I say ''as much as $900 million'' because no one knows how much is being lost today.

We have heard about all the fiscal reforms in this package, and we hope they better enable us to understand how much money Amtrak is losing, but the last time any clear audit was done on these long-distance trains was in 2004 by the Inspector General. Let's look at what the Inspector General audit found in 2004.

At that time, the losses were $475 million. They have only gone up since then. On the 15 routes, of course, the losses vary. On some routes they are higher than others. I think the lowest was for the Auto Train that runs from Orlando to Washington, DC. The subsidy per passenger was about $26. Given the importance many place on having a national system, and recognizing we provide different types of subsidies to aviation service, and even to our highways in different ways—mass transit as well—a subsidy level of $15 or $20 or $25 may well be justified. But that is the lowest subsidy level on any of the routes. The highest subsidy levels? In some cases, the Sunset Limited, at $286 per passenger; the Southwest Chief, at $198 for every passenger running on that train; the California Zephyr, at $140 per passenger.

Where are we going to draw the line? Perhaps those who will support any of these long-distance trains no matter how much they are losing can stand up and say: Well, look, the good news is it is not $1 million per passenger. That is not good enough. It certainly is not good enough when we are taxing working families across America to provide these subsidies.

It begs the question whether you could buy airline tickets for the amount that gets lost on any one of these routes. I think in many cases you could pay the airfare. I had my staff look today at what they might pay for an air ticket for the route of the California Zephyr. It certainly is lower than the cost of the train ticket. It is even lower than the cost of the subsidy. As compared to the Southwest Chief, the air ticket is lower than the cost of the train service and even lower than the subsidy—the cost to taxpayers for every passenger running on this system—and so on down the line.

Now, I understand Amtrak has improvements they wish to make, that this bill has budget reforms and auditing reforms and costs management reforms that hopefully will improve these numbers. But we have to draw the line somewhere. All my amendment says is: draw the line at $200—$200 per passenger—on any given train route. Next year, we lower that to $175; in the third year of the bill, $150. I think if you ask any American: ''Should we provide a subsidy of $150 per passenger,'' they would say: Of course not. That is ridiculous.

We all feel there is some real value in train service, that Amtrak has great potential—a potential to be more successful, more financially successful, and to attract a different ridership. This amendment would not affect any of the corridor routes that serve the southern part of the country, the central part of the country, the west coast of the country, the Northeast part of the country. It would not affect any of those corridor routes. The corridor service is 46 percent of the ridership in the country. This amendment would not affect the Northeast corridor. That is nearly 40 percent of the ridership in the country.

So the vast majority of people who enjoy or depend on service through Amtrak would not be affected. In fact, the vast majority of the riders on the long-distance routes would not be affected because today, at least according to the Inspector General's audit, there is only one route that is in excess of the $200 subsidy level. There are only two that are in excess of the $175 level.

So if there is a real belief this bill is going to address these concerns and this problem, even the strongest supporters of long-distance service should

be willing to support this amendment because, if nothing else, it will provide a real incentive, an honest incentive, to improve the performance of these routes.

You would like to think it can be done. I would like to think it is not impossible to run these routes without losing $150 and $200 per passenger. Maybe it is not. But if it is not possible, the American people should be told it is not possible today—not in 3 years or 5 years or 10 years.

All the amendment would do is ask for some basic level of fiscal responsibility, to set some threshold as to the amount we are not willing to spend on these per-passenger subsidies. I hope those who feel most strongly about this legislation and about Amtrak can recognize this can only provide incentives for their performance, improvements they argue they want so very much. I encourage my colleagues to vote for the amendment, for no other reason than because I think it is pretty hard to defend a vote against it when we have families across America who are working hard, paying taxes every day, who could certainly use the $200 in subsidy per passenger, or the $150, or the $100, to spend themselves. Those are taxes we don't need to collect if we are not running these routes at such incredible losses.

Thank you very much.

Mr. President, I reserve the remainder of the time we control.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, would the Senator yield 3 minutes to me?

Mr. LAUTENBERG. I am pleased to yield 3 minutes to the Senator from North Dakota.

Mr. DORGAN. I appreciate the courtesy.

Mr. President, how could something so wrong sound so good? Well, the answer is the label doesn't describe the problem. This label says it is going to be fine, but the product says: Let's get rid of rail passenger service in this country, except for Boston to Florida, the eastern corridor.

Let me describe it in the context of the Empire Builder, a wonderful train that goes up through my part of the country. One hundred thousand North Dakotans rode the Empire Builder last year. That train has a great history, it has a past, and it also has a great future in my judgment.

But there are those who come to this Chamber time after time after time and want to get rid of long-distance train service in this country. Why? Because they believe the country is crowded on the east coast and they ought to have good train service on the east coast and the rest of it doesn't quite match up. Look: Every country in the world virtually that has rail service, rail passenger service, has some subsidy for it. We subsidize most transportation services in this country. I don't have a problem with doing that.

I think a national rail passenger system contributes to this country in a very significant way. Somehow, to suggest that our rail passenger system in the future should look like this: You have rail passenger opportunities from Boston down to Florida on the east coast, and the rest of it, you know, you don't need it—to suggest that is to ignore a significant part of this country.

I support Amtrak. Can it work better? Sure. My colleagues, Senator LAUTENBERG and Senator LOTT, have been great stewards in trying to put together legislation that accomplishes that. But I would say this: I think this country is strengthened and is a better country and has a transportation system that is a better system because we have a national rail passenger system.

This is not a new amendment, I say to my colleagues. We have had this amendment around before. It has had different titles, but it is an amendment that says: Let's get rid of long-distance train service because there are people who have never liked Amtrak very much. Well, people probably will want to have train service, passenger rail service from Boston to Florida forever because that income stream of the large population center sustains it. The question is: should we have a national rail passenger system? Our country long ago answered that question and said: Yes, we should. That is why we have a national system.

My colleague says: Well, there wouldn't be much consequence if we pass this amendment. Oh, yes, there would. Most of the long-distance rail system would cease to exist. That is what this product is. It doesn't say that on the label, but that is what the product is. I don't disparage my colleague for suggesting it. We come from different parts of the country. He apparently believes that only the eastern corridor should end up with a rail passenger system. I think it enriches our country, across the country from East to West to have a national rail passenger system that works well. It works well for my State. One hundred thousand people a year board that Amtrak system. They like that service. I hope the Senate will decide to weigh in, in opposition to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, do I control the time on our side, or do I need to request the time to be yielded?

The PRESIDING OFFICER. The Senator controls the time on his side.

Mr. SUNUNU. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 46½ minutes.

Mr. SUNUNU. Thank you, Mr. President.

First, for any Senator who stands up and states that I believe there should only be service in the Northeast is wrong. It is wrong in substance, and I think it is wrong in the spirit of the debate on this floor because I certainly never suggested that. In fact, I suggested the opposite: No. 1, that this amendment doesn't affect the corridor services on the gulf coast, on the west coast, in the Northwestern part of the United States in any way, shape, or form; No. 2, that this only affects long-distance lines that lose more than $200 per passenger; and No. 3, that the goal of having a national service is a good one, provided that the level of cost and subsidy can be maintained.

The suggestion was made earlier that I want to get rid of long-distance trains. Again, no—only those losing more than $200 per passenger. In fact, to the point of the line that was mentioned previously in debate, the Empire Builder; according to the statistics of the Inspector General's review in 2004, it wouldn't be affected by this amendment either. The Empire Builder lost $94 per passenger in 2004. I hope the performance has been improved a little bit since then, but even if it hasn't, even if this is one part of our economy that has seen no improvements in productivity since 2004, no reduction in costs since 2004, no improvements in marketing and ridership since 2004, the Empire Builder wouldn't be affected because it lost less than $200 per passenger. In fact, the Empire Builder wouldn't be affected in the year 2009, when that subsidy threshold drops to $175. It wouldn't be affected in 2010, 2011 or 2012, because over the 5-year period, we only bring the cap down to $100, and the Empire Builder would still be below that figure in what it loses per passenger. In fact, in addition to the Auto Train, which I mentioned earlier, the Coast Starlite, the City of New Orleans, the Silver Service, all of those cost taxpayers less than $100 per passenger.

Now, is a subsidy of $80 or $90 per passenger; a loss of $80 or $90 per passenger; good? Is it that easy to justify to a family as they pay their taxes on April 15? I would be hard-pressed to justify that to people in my State of New Hampshire. But regardless, those routes are unaffected by this amendment. In fact, there are many others—several others—whose cost per passenger is in the range of $100 to $125, according to the Inspector General's report in 2004. I would hope and I would think they can improve performance by the 10 percent or 12 percent or 15 percent necessary to get below that $100 cost per passenger as well. Maybe they can't. We can't forecast the future. But I think we can set an honest and a reasonable limit on what subsidies we are willing to provide.

Again, I can't state it plainly enough. This amendment doesn't affect 85 percent of the routes and ridership of Amtrak, the people who ride from all over the country—North, South, East, and West. It doesn't affect any of those long-distance routes, and there are probably close to half of them that have a subsidy level of less than $100 today. For any of those that meet the performance benchmarks, they would be unaffected as well. I hope my colleagues can support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I would be interested in speaking on behalf of the Sununu amendment. I don't know what the alternating agreement is.

Mr. SUNUNU. Mr. President, I yield time to the Senator from Alabama, whatever time he needs to consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I will be brief. Amtrak does go through my home State, and I have been interested in the impact of not having support for that periodic travel through our State that the system does and how much it costs and what the right public policy should be and how we should think about it. I would note Amtrak operates 44 routes over 220,000 miles of track, and 97 percent of those tracks are freight company tracks. But it runs a deficit each year, and we have to have Federal subsidies for it.

The crux of the public policy issue that all of us, I think, should think about for the overall public policy—not for one or two little—not for a few people in a vision for what we ought to do for the future but what is the truthful situation we are in.

Kenneth Mead, the Department of Transportation inspector general, succinctly stated the situation this way:

> The mismatch between the public resources made available to fund inner city passenger rail service, the total cost to maintain the system that Amtrak continues to operate, and the proposals to restructure the system comprise dysfunction that must be resolved in the reauthorization process of the Nation's inner city rail system.

This proposed reauthorization would entail about a $2 billion-a-year subsidy for the next 6 years. Remember, the bill that was enacted in 1997 to reform and have accountability for Amtrak contemplated there would be no more subsidies in 2002.

Now, Senator SUNUNU has studied this issue, and I believe we can rely on the things he is saying, fundamentally. It is important, and I am glad somebody has committed the time and effort to point out some of the problems with going forward with business as usual.

I am going to take a couple of minutes and share some thoughts. The train that goes through Alabama, Mobile, AL, east and west, it comes up—I am not sure exactly what the situation is this year, but when I checked last year, the train went through 2 or 3 days a week going east at 2 a.m. in the morning, and when it goes west, 2 or 3 days a week, it was 3 a.m. in the morning. Now, that is not likely to attract a lot of customers.

Let me show this chart and go through it. I believe we will come to understand that what we are talking about, I say to Senator SUNUNU, is trying to do something that is basically impossible to do. It is not going to work. I wish we could. As we used to say in the country—I grew up on the railroad tracks. My daddy had a country store. There were three country stores and a railroad depot in our little community. The train went by, we had a passenger—I remember when we had a passenger train down there. There hasn't been a passenger train on that road in 40 years. There is only one store left and no railroad depot. Times change. Things happen.

Let's look at this chart on what it would take from Birmingham to Washington, DC. Well, what are your options? If you go on a commercial airline—the one we checked here was a direct flight from USAir last October—to Birmingham, there were seven direct flights to Washington, DC, from Birmingham, AL, a day. If you take your personal vehicle, you can leave anytime you want to leave. If you take the train, there is only one a day. That limits your options. People, when they are deciding how to make a trip, think about these things.

What about how long does it take? The air time is 3 hours 12 minutes, the personal vehicle is 11 hours, approximately, and the train time is 18 hours.

What about how many stops do you make? If you take an airline, it is one stop. It is a direct flight.

What about your personal vehicles? Let's assume you make four stops. But Amtrak is making 18 stops. It is not taking the shortest route.

What about our cost? I was surprised at this when we looked at the numbers. The primary cost for a round trip airline ticket, as I said, as of last October, was about $328. We now think it is $350 or $360, something around that price. That is what the commercial airline fare is. If you took your personal vehicle, the cost for gasoline is $87. Gas is about $2.97 a gallon today. The Amtrak ticket is $206 round trip.

I don't know that this is an accurate figure for the food and board, but in the air you have no cost of food and a room is not needed. In a personal vehicle, you can estimate one meal or two meals at $20. On Amtrak, the high cost of food and a sleeper car can put you well over $100—maybe even $200—as our figures show. On the commercial airline, the total cost for one way would be $160 to $175. A personal vehicle is less than that while the train is more than that. The train is going to be much more than that one way.

So this is why people are not traveling long distances on trains. It is not because they are not there. They are there. But you say: Well, what we need is Amtrak coming through Mobile at 5 a.m., 7 a.m, or 8 a.m. Well, you cannot make that happen. To do that, we would have to double the number of trains or triple or quadruple them, and they will lose even more money. I wish it weren't so. I wish we could make this system work, but certain long routes are not feasible. However, Congress, being what it is, mandates it. We say you have to run these routes, and Amtrak runs up billions of dollars in debt trying to comply. If I could see us moving to a time when we would come close to making this feasible, I would be supportive.

Mr. LAUTENBERG. Mr. President, can I ask a moment of the Senator's time without him losing his right to the floor? I have a unanimous consent request.

Mr. SESSIONS. I am pleased to yield for that purpose.

Mr. LAUTENBERG. Mr. President, we are planning to hold the vote at 12:15. I want other Members who are interested to know that.

I ask unanimous consent that at 12:15 today the Senate proceed to vote in relation to the Sununu amendment and the time until 12:15 be equally divided and all provisions under the previous order remain in effect. I assume Senator SUNUNU has agreed to this.

Mr. SUNUNU. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, while I am not opposed and don't think the proponents of the legislation have a bad intent, they have a vision for a national rail system, and they are willing to put billions of dollars into it. But I have never been able to lay my hand on a study that shows that a national rail system mandated by the government is feasible over long distances. Yet there was a study that showed, even in Europe, that train routes within certain ranges will work. I think the distance was approximately 200 to 300 miles. If it is much longer than that, people almost always choose to fly. If it is much shorter than that, they almost always choose to drive. Americans, more than anyone else in the world, have automobiles, and we choose to drive frequently. It allows you to arrive when you want, carry things you want to carry, drive straight to where you intend to go, and not have to wait in a station. And you don't have this on time problem. Commercial airlines are on time about 80 percent of the time. Amtrak was only on time 66 percent of the time. That is another factor you have to think about if you are going to regularly use a long-distance train.

In certain corridors, where the traffic is heavy, it works, and I am not disputing that. I am not for shutting down a profitable route or even routes that are close to profitable, which we can justify subsidizing. But I think, in all honesty, that Senator SUNUNU has raised a legitimate point. How much can we support these routes that are losing money, are unlikely to ever make money, and are driving up a heavy cost that the whole Amtrak system must carry in its effort to comply with congressional mandates?

So if you could reduce some of these losses that are draining Amtrak's ability to be effective and gave them some freedom to make business decisions rather than having their operations determined by political decisions made by Congress, I think we would be better off. So after much thought and review,

I have concluded that this is a rational amendment. It is hard for me to see how it can be opposed. Therefore, I will support it. I thank the Senator for offering it.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. LAUTENBERG. I yield 7 minutes to the Senator from Delaware.

Mr. CARPER. Mr. President, I used to serve on the Amtrak board of directors. We have a lot of trains running up and down the Northeast corridor. I have ridden on them since I was a little boy. The trains run about every hour. You can catch a train in Boston to come to DC pretty much every hour; between New York and DC, the frequency is even more. They run from 5 in the morning and go well into the night.

The reason a lot of people don't ride trains across the country is there are 15 different long-distance trains, which only run 2 or 3 days in a lot of cases. It may come in at 1, 2 or 3 a.m. in the morning, and it is not very convenient. It is hard to build ridership. I agree with Senator SUNUNU. I am not interested in spending $200 or $150 per passenger to subsidize long-distance trains. We don't do it in the Northeast corridor.

We have addressed this in a more thoughtful way, and I want to share that. I commend Senator LAUTENBERG and Senator LOTT and our staffs for working on it for years. The legislation calls for the Federal Railroad Administration to actually study every year, for the next 3 years, five long-distance train routes to figure out why they lose money and what can we do to reduce the cost of the train routes. I think they will find this in places in the Midwest. These numbers are out of the Midwest. There is a lot of investment, particularly in the Illinois area. Ridership is up on the Chicago-St Louis corridor in the last year. Ridership between Chicago and Carbondale is up 46 percent. For the Chicago-Galesburg-Quincy route, ridership has increased 33 percent. They have actually added frequency and provided better service and more on-time service, and they have worked with the freight railroads that control the tracks to get better support so that they let the passenger trains run on time.

I think there is a better way to skin this cat than our friend, Senator SUNUNU, has proposed. I believe the answer is in the legislation. If you look at the country as a whole, today we have probably over 50 percent of the population living within 50 miles of one of our coasts. Think about that. What that means is we have these densely populated corridors up and down the east coast, the gulf coast, and on the west coast. They are perfectly suited for high-passenger corridor rail service.

Think about the other places around the country, and there is an example of the St. Louis-to-Chicago route. That part of America is where densely populated corridors also exist. My suspicion is if we provide them the kind of service we are providing on these coastal corridors, we would see the increase in ridership that we are seeing in Illinois and also in Missouri.

Again, to my friends who want to make sure we take some affirmative action to provide better train service but reduce the kind of subsidies now being paid for folks riding trains that run every 2 or 3 days, coming through communities at all hours of the night, as well as the day, there is a smarter way to do this, and it is in the legislation.

I encourage my colleagues to oppose this particular amendment, however well intended it is. I think there is a better way to get to the legitimate issue raised. It is the language Senators LOTT and LAUTENBERG and our staffs and I have crafted and included. The first year, we would take five long-distance train routes and scrub their performance and find out a smarter way to provide the service. The second year, we would do five more, and the third year, five more. So over 3 years we would scrub 15 of these.

A lot of people are starting to ride trains who would not have thought about it before. That is because of congestion on the roads and highways, in airports, bad pollution in the air, and our dependence on foreign oil. The passenger rail service can address all those issues. Amtrak is not the whole answer, but it begins to get at the answer.

The language in the underlying bill answers the question Senator SUNUNU raises. I urge a ''no'' vote on the amendment and support for the underlying legislation.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we understand that Senator SUNUNU comes with a background in business and comprehension of what balance sheets and financial statements are like. We recognize that the State of New Hampshire does have some Amtrak service. But the State of New Hampshire is also one of the beneficiaries of something called Essential Air Service, where the country takes great pains to make certain that communities are not so isolated that you have difficulty in traveling from there and to there. It costs the Federal Government about $50 million a year for Essential Air Service. We are all in the same boat. It is our country, these are our communities, and they have to be part of the functioning of our society.

So when I look at the amendment proposed by the Senator from New Hampshire, this amendment would destroy our national passenger rail system. Based on 2007 data, the Sununu amendment would immediately cut passenger rail service to the entire Southwestern United States. Four of Amtrak's longest train routes would be gone. It is easy to see on this chart the lines that crisscross our country. You are saying that almost everything, in about a 5-year period, would be pretty much not in existence. We start off with four of Amtrak's longest train routes, most of them in the Southwest. Next year, five more trains would be eliminated, including the Silver Star, which is New York to Miami; Silver Meteor; the Cardinal; the Coast Starlight, Seattle, WA, to L.A., CA; and the Lakeshore Limited, Chicago to New York. These comprise something over a million travelers a year. Within 5 years—likely sooner—the entire national network of long-distance trains would be gone because corporate overhead costs would be shared among the remaining routes, increasing their costs.

These long-distance trains provide essential transportation services to millions of Americans, and their ridership and revenue has been growing.

Last year, ridership increased on Amtrak's long-distance trains 2.5 percent and revenue went up 5 percent. For instance, if we look at Amtrak's Palmetto train, which is New York to Miami, its route extends south from the Northeast corridor and serves South Carolina, Georgia, Florida, North Carolina, and Virginia. It had 7.5 percent more riders than the year before, a total of 157,000 riders.

The States want Amtrak service, and they want to expand it as well.

One Governor—I have a letter written in 1996—wrote to Amtrak claiming:

> Many of us believe that Amtrak finances and operations are a matter for the Federal Government. The Federal Government created Amtrak.

This is the letter from the then-Governor of Texas, George W. Bush, in 1996. He attributes responsibility to the Federal Government.

To connect our rural areas with our urban commercial centers, the Federal Government subsidizes all modes of transportation. We have essential air service, which I mentioned. We have Federal subsidies for intercity bus transportation. And since the Federal Government took over passenger rail service, we have funded it as well.

I wish to make note of the fact that despite the fact that our airlines are for-profit companies, we insist that we have to help them function and we give them about $3 billion a year in subsidies. These are for-profit companies. We want them to keep flying. There has been about $20 billion put into the aviation system since 9/11.

I remind our colleagues, there is no passenger rail service in the world that earns a profit. Countries pay for rail service because of the benefits, and if you eliminate these trains, it would mean millions of additional cars on the highways and even longer lines at the airport, adding to our country's congestion problems.

In addition, terminating these routes destroys Amtrak's interconnected system, isolating different parts of the country from one another and reducing the utility and the value of all of Amtrak's services.

This bill, our bill, already cuts Amtrak's operating subsidy by 40 percent. And rather than micromanaging Amtrak, our bill mandates that this performance standard is the one the company must meet. We also require Amtrak to tell us how they plan to meet this standard. They need to set up specific improvement goals and plans for each individual train route. If the plans are not followed or if they don't work, funding for that train route can then be terminated.

Senator LOTT and I, along with Senator CARPER and others, put a lot of thought into this bill. It will make major improvements to rail service in our country. The Sununu amendment does exactly the opposite. It will destroy America's national passenger rail network. Ironically, it won't even save money because a sudden and massive reduction of trains that this amendment would force would leave Amtrak with huge labor costs for displaced employees.

This is not a new subject we are airing today. In some ways, it would be nice to be able to agree with Senator SUNUNU on this issue and say, OK, it would be nice if they could pay their own way, but they can't do it. When you are operating on schedules that, in many cases, pay lots of attention to the key peak work hours and then don't have the traffic after that——

The PRESIDING OFFICER (Mr. TESTER). The Senator's time has expired.

Mr. LAUTENBERG. How much time do we have left?

The PRESIDING OFFICER. None.

Mr. LAUTENBERG. That is good. We have no time left. We had, I thought, a minute or two before the vote.

Mr. SUNUNU. Mr. President, is it true that I have plenty of time left?

The PRESIDING OFFICER. It depends on the Senator's definition of ''plenty.'' The Senator from New Hampshire has 11 minutes remaining.

Mr. SUNUNU. In New Hampshire, 11 minutes is plenty of time. I yield 2 minutes to the Senator from New Jersey to finish his remarks.

Mr. LAUTENBERG. I thank the Senator. May I take that at the end of the Senator's presentation?

Mr. SUNUNU. Mr. President, I wasn't aware this was a negotiation as opposed to an act of solidarity with my colleague on the other side of the aisle. I will be happy to reserve Senator LAUTENBERG's two minutes for the end.

Mr. LAUTENBERG. I am touched by the generosity of the Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I ask unanimous consent that we reserve two minutes on each side for the end of this debate. I have a couple of minutes of comments, and then if there are speakers on the other side, we may still have another couple of minutes to yield to them as well.

Mr. LAUTENBERG. I am concerned, Senator LOTT wanted to say a couple of words.

Mr. SUNUNU. Excellent. I will be happy to reserve those two minutes for the other side.

Mr. LAUTENBERG. That is a satisfactory arrangement, and I consider it to be very fair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, let me use my portion of time to conclude my remarks. I wish to address some of the points Senator LAUTENBERG made in his presentation.

First, it was suggested that under 2007 data, four routes would have to be shut down if my amendment were made the law of the land. I find that surprising and maybe a little problematic for a couple of reasons. First, I am not aware of any Inspector General audit that was done for 2007, which would be required under the amendment. The only IG audit of which I am aware, the most recent one, was in 2004, and that indicated only one route did not meet this threshold. So, first, I don't think there is any data to make that assertion that four routes would be closed.

Second, if that were the fact today, that means the situation has gotten worse over the last three years; that it has gotten worse and that the costs are trending in the wrong direction, and that is something about which we should all be concerned and, in fact, alarmed.

Third, it was suggested that closing four routes, if that were the case, would be a sudden and massive reduction in the capacity of the system. In fact, even if four routes were affected, we are talking about 1 to 2 percent of ridership.

The phrase ''making people pay their own way'' was also used. It does nothing of the sort. As I indicated, I think there is an opportunity for providing some support or subsidy level, certainly in the medium term. This would by no means require anyone to pay their own way because it would still allow in the first year subsidies up to $200 per passenger and in the second year subsidies up to $175 per passenger. Only in Washington would a $200 subsidy be called ''paying your own way.'' That is just not right.

Finally, it was suggested that closing one of these routes would isolate parts of America. I think the idea that eliminating a long-distance train would isolate people in America in this day and age, given all the ways we have to travel, to communicate, and to reach out to one another, is ridiculous.

This is a common-sense amendment. This is not the grim reaper for national train service. This amendment only says if a route is losing more than $200 per passenger, we should not continue to operate that service. I suppose it is a little bit like hitting yourself in the head with a hammer: Maybe once you really get going, you are reluctant to stop because you think the next time you hit yourself in the head it might not feel quite as bad. At a certain point, we need to draw the line. I think $200 per passenger is a pretty reasonable line to draw. I encourage my colleagues to support the amendment.

I reserve the remainder of my time. I am happy to yield Senator LOTT 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, the Senator from New Hampshire is yielding me 2 minutes out of the time of the proponents of the amendment? I don't want to mislead anybody here.

Mr. SUNUNU. As the Senator may not be aware, we have a unanimous consent agreement, and having consumed all the time on the opponents' side, I offered to share an additional 2 minutes so that Senator LOTT can conclude his remarks.

Mr. LOTT. Mr. President, that is typical generosity of the Senator from New Hampshire. He is engaged, thinking about this issue and trying to do the right thing.

I also think this is a classic chicken-and-egg deal. We tell Amtrak we want them to do better, but yet we don't offer any reforms, challenges, responsibilities to do better. We throw rocks and say: Why aren't you providing better service at cheaper rates?

I think you need a plan to move toward actually what the Senator from New Hampshire is trying to achieve. The bill before us, S. 294, already requires Amtrak to reduce its total Federal operating subsidy by 40 percent over the life of the bill. The bill gives Amtrak management the flexibility to achieve this goal through cost savings, route changes, revenue growth, or expanded service rather than through mandated route cuts. Additionally, the bill requires improvement plans for each long-distance route that will focus on strategies to increase revenues, ridership, efficiencies, and service quality. These plans must be implemented and achieved in order for them to continue to get Federal routes.

I think some of these routes are going to eventually need to be terminated, but if we do what this amendment would do, it would basically, cold turkey, start eliminating routes very soon, including, to be perfectly honest, the Crescent, which is the train that comes down through the heart of the South, through Meridian, MS, Hattiesburg, down to New Orleans. We need that service.

Also, this would force cuts at a time when we need more rail service, not less. We have ever-increasing air and highway congestion and environmental concerns. The Federal Government provides operating subsidies in all these other areas, but we are saying we want to terminate these long-distance routes. If we want a national rail passenger system, we are going to have to keep some of these routes going at least until we make an effort to make them more cost efficient.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, we are approaching 12:15, which is the time for the vote. I wish to conclude first by responding to some of the remarks and the observations made by the Senator from Mississippi.

First, there was mention of the Crescent, which is one of the 15 long-distance trains. Under the 2004 Inspector General's audit, the Crescent lost $114 per passenger in coach class. At that rate, they would not be affected in 2008 by this amendment. They would not be affected in 2009 by this amendment, or 2010 or 2011. They might be affected in 2012 if they have failed to improve any performance on the basis of cost over a 4-year period. I don't think that is Draconian. I don't think that is too much to ask. I hope the Senator from Mississippi and others will support that kind of improvement in performance, and I think it can be achieved.

To that point, the Senator from Mississippi said: We need to do better; we need to have a plan for doing better. From what I have heard, he and many others believe this bill is the plan to do better, and I think in many parts it is a plan to do better. I support that concept. I support a blueprint for improving financial reporting, standards of accounting, and cost performance.

What my amendment simply does is tell people honestly and directly: How much better do we expect you to do? What is the minimum we expect you to do? We expect ridership or routes not to lose $1 million per passenger, or $500,000, or $1,000, or $500 per passenger, and I think it is reasonable to say we expect you not to lose $200 per passenger. That is what we are asking. That is how much better we expect you to be for only those routes which are not meeting that standard today.

It is a reasonable standard. It is an understandable standard. Under the 2004 data, it would affect one of the 15 routes. It might affect more than one. It might affect two or three more routes 2 or 3 years from now if they have failed to improve. But when we are asking families across America to fill out their tax forms every April 15 to provide resources to our country to fulfill important obligations, I don't think we should be asking those families to subsidize passengers on Amtrak at $200 per person.

It is reasonable, and I hope my colleagues will support a commonsense amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Sununu amendment, No. 3453.

Mr. SUNUNU. 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 New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), 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 28, nays 66, as follows:

[Rollcall Vote No. 395 Leg.]

YEAS—28

Alexander	DeMint	McConnell
Allard	Dole	Roberts
Barrasso	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Sununu
Brownback	Gregg	Thune
Bunning	Inhofe	Vitter
Burr	Isakson	Voinovich
Chambliss	Kyl	
Coburn	Martinez	

NAYS—66

Akaka	Durbin	Mikulski
Baucus	Feingold	Murkowski
Bayh	Grassley	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hatch	Pryor
Brown	Hutchison	Reed
Byrd	Inouye	Reid
Cantwell	Johnson	Rockefeller
Cardin	Kerry	Salazar
Carper	Klobuchar	Sanders
Casey	Kohl	Schumer
Cochran	Landrieu	Smith
Coleman	Lautenberg	Snowe
Collins	Leahy	Specter
Conrad	Levin	Stabenow
Corker	Lieberman	Stevens
Cornyn	Lincoln	Tester
Craig	Lott	Warner
Crapo	Lugar	Webb
Domenici	McCaskill	Whitehouse
Dorgan	Menendez	Wyden

NOT VOTING—6

Clinton	Feinstein	McCain
Dodd	Kennedy	Obama

The amendment (No. 3453) was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I recognize I did not prevail in that amendment, but I appreciate that debate and the managers allowing me time on the debate. I do have another amendment. I told them I would try to move my amendments, so I have another amendment I wish to offer.

Mr. President, what is the pending business?

AMENDMENT NO. 3454

The PRESIDING OFFICER. The pending business is the Lautenberg for Carper second-degree amendment.

Mr. SUNUNU. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. LAUTENBERG. Objection.

The PRESIDING OFFICER. At this moment there is not a sufficient second.

Mr. SUNUNU. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I have an amendment I send to the desk and ask for its immediate consideration.

I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. We object.

The PRESIDING OFFICER. Objection is heard.

Mr. President, I think the bill manager does not have a copy. It was such a short amendment, I sort of assumed that multiple copies were made. If I can ask unanimous consent to speak on the topic of the amendment, to provide a little background.

Mr. BYRD. Would the Senator inform the Senate as to what the subject of his amendment is?

Mr. SUNUNU. I would be pleased to describe the amendment prior to it being offered.

Mr. President, this is one of the two amendments I filed in committee, but did not offer on the bill, because I wanted to allow a vote and debate on the floor rather than delay us unnecessarily in committee.

This is an amendment that addresses the question of competing on different routes within the Amtrak system. Under this legislation that is before us today, there is an allowance to have two routes competitively bid each year.

The managers think that is a good idea. I think that is a good idea. But I do not see why there needs to be a legal restriction on the number of routes that could be bid or sent out to bid under competition. This does not mandate that bids be put out to competition, but it certainly would allow that.

That is what my amendment is intended to do. At this time, I yield to wait for the copies to be distributed in a timely way.

Mr. President, at this time I believe copies have been distributed.

AMENDMENT NO. 3456

(Purpose: To remove the limitation on the number of Amtrak routes available for competitive bid)

Mr. President, I send an amendment to the desk, ask unanimous consent that any pending amendment be set aside, and ask for the immediate consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes an amendment numbered 3456.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, the Senator has an amendment?

Mr. SUNUNU. I do.

Mr. BYRD. Does he wish to have it read?

Mr. SUNUNU. I have submitted the amendment to the bill manager and to the clerk and asked that it be considered.

The PRESIDING OFFICER. The clerk has reported the amendment by number.

Mr. BYRD. Will the clerk read the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

On page 35, strike line 1 and all that follows through ''(A)'' on line 4 and insert the following:

''(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike 11 through 16.

Mr. SUNUNU. Mr. President, I apologize again to the bill manager for not having a copy for him.

As was clear from the reading of the amendment, if nothing else was clear, it is a brief amendment. It strikes the line of the bill that would have placed a limit on the number of routes that could be allowed for a competitive bid.

That means it allows for an operator to offer to run that route at an effective cost with particular service goals in mind in order to provide service at or above the current quality of service at a lower cost. I think it would be a mistake to place an arbitrary restriction on the number of routes that could be competitively bid.

Certainly decisions about putting routes out to bid, or which routes are put out to bid, how they are done, would still be in the hands of the management team at Amtrak. I think that is as it should be. I appreciate the opportunity to offer the amendment. I ask that my colleagues support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, we look forward to a full discussion of this amendment. We do provide in the bill an opportunity for a competitive review on two lines.

Whether it should be expanded is something we will want to talk about. We think that two lines each and every year can be competed for and reviewed by Amtrak. We have to examine it here. But our inclination is to oppose this. But we will have a discussion about it at such a time as we go to a vote.

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.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Sununu amendment No. 3456.

AMENDMENT NO. 3455

Mr. ALLARD. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment 3455, the Allard amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 3455.

Mr. ALLARD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provisions repealing Amtrak's self-sufficiency requirements)

Strike subsection (a) of section 219.

Mr. ALLARD. My amendment is very straightforward. Right now there is a provision in law saying that Amtrak is supposed to be financially self-sufficient. To be clear, the provision does not even apply to Amtrak as a whole. It only requires Amtrak to be operationally self-sufficient, presuming, of course, that the Federal Government will continue to provide capital subsidies.

I was surprised and even disheartened to learn that S. 294 would repeal this provision in law requiring Amtrak to become operationally self-sufficient. I strongly believe that this goal should be maintained.

My amendment would strike the provision in the bill that repeals the self-sufficiency goal.

I am quite puzzled that the Commerce Committee report noted:

This repeal is technical in nature and not meant to indicate that Amtrak should not strive to reduce its dependency on Federal funds or improve the efficiency of how it spends Federal funds as elaborated through this bill.

This statement makes no sense. If we repeal a provision calling on Amtrak to become self-sufficient, we are saying they have no need to reduce their dependency on the taxpayers. There is no other way to interpret it. We need to be crystal clear that we expect them to reduce their dependency on Federal funds, and the only way to do it is to maintain this provision in current law.

To be clear, even with the provision in law, Amtrak has made little progress toward becoming operationally self-sufficient. According to the Department of Transportation Office of Inspector General, Amtrak continues to incur substantial operating losses, and over the last 5 years, annual cash losses, excluding interest and depreciation, have fallen only modestly, a little more than 3 percent a year. But modest progress is not a reason to eliminate the operational self-sufficiency provisions. Failure to meet a goal is not reason to lower the bar sufficiently to redefine success. Rather, it simply means that more work must go toward meeting their original goal.

The Office of Inspector General went on to say:

The problem with the current model exists beyond funding. There are inadequate incentives for Amtrak to provide cost-effective service. Amtrak, as the sole provider of intercity passenger rail service, has few incentives, other than the threat of budget cuts or elimination, for cost control or delivery of service in a cost-effective way. Amtrak has not achieved significant cost savings since its last reauthorization.

That is what the Inspector General had to say in his report. The question I have is, given that we have so few incentives for cost controls, why would we eliminate one of the few provisions in law calling on Amtrak to control their costs? While passenger rail has a role in an efficient, modern transportation infrastructure, I am concerned about how Amtrak has performed in providing that service. As my colleagues may know, I am a strong proponent of results and outcomes. Amtrak and other government-funded entities should not be judged based on how much they receive in Federal funding but the results they can demonstrate with those taxpayer dollars or the fees they charge passengers who ride their trains. In the case of Amtrak, I am afraid these results are not very impressive. In the administration's PART assessment, their tool for evaluating the effectiveness of programs, Amtrak was rated as ineffective. In fact, it was the only program in the entire Department of Transportation to receive an ''ineffective'' rating.

I want to be clear on what this rating means. From the administration's description ineffective, programs receiving this rating are not using taxpayer dollars effectively or the fees they are charging the passengers to use their services. That seems pretty clear to me, and I hope Members of this body will agree with me on that fact. If Amtrak is not being effective with the money they spend, it would make sense to reduce the money we spend there. Instead, we are talking about increasing their subsidies and eliminating provisions calling on Amtrak to be more careful in how they spend tax dollars. Again, that makes no sense. Right now Amtrak's Federal subsidy is nearly equal to its total ticket revenue per year. To put it a different way, for every dollar spent on a ticket, the rail passenger receives another dollar from the taxpayers.

Given the subsidies on some routes, taxpayers would save money by actually paying passengers to take another mode of transportation such as flying. Calling on Amtrak to become operationally self-sufficient is not about being antirail. It is about being for taxpayers and for those riders who use that service to hold down their costs. It is for efficiency and for common sense.

Even if Amtrak were to become operationally self-sufficient, it would continue to receive sufficient Federal subsidies under my amendment. According to the U.S. Department of Transportation, Amtrak is by far the most heavily subsidized mode of travel in the United States, even though it carries less than 1 percent of the intercity passenger market. Amtrak costs $210.31 per passenger, per thousand miles, compared to $4.66 for intercity buses and $6.18 for commercial airlines. Because motorists pay far more in Federal user fees than they get back in Federal transportation spending, the U.S. Department of Transportation estimates that the Federal Government earns a profit of $1.79 per passenger, per thousand miles from automobiles.

This bill proposes to spend $11.3 billion on Amtrak. It is entirely reasonable for Congress and the American taxpayer and their passengers to tell Amtrak that they should work to reduce those subsidies. If we are too timid to even tell Amtrak to reduce their need for operational subsidies—remember, this is operational subsidies, not capital investment—how can we expect that they will ever do it? Many of us are parents and have worked to raise our children to become independent, self-sufficient people. When my daughters graduated from college, my wife and I expected them to get jobs to support themselves. If we had simply paid their rent, bought their groceries, paid their utilities, and given them spending money without any conditions or expectations of independence, why would they want to work and make the tough choices necessary for change? It is the same with Amtrak. Unless we are clear that we expect them to change and become operationally independent of the Federal Government, things will never change.

It is critical that we keep this goal in place for Amtrak. They must hear loudly and clearly from Congress and from America that they need to make the tough choices necessary to get out on their own. My amendment will ensure they hear this message.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from West Virginia.

Mr. BYRD. Madam President, would the Senator read his amendment again, please, for the edification of the Senate.

Mr. ALLARD. My amendment is actually very simple. I will ask the clerk to read the amendment, if she will.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

Strike subsection (a) section 219.

Mr. ALLARD. If I may address the Senator through the Chair.

Mr. BYRD. Yes, please.

Mr. ALLARD. The section I am repealing puts in some guidelines, and it is not date specific but it says that the goal of Amtrak should be to become self-sufficient; in other words, work toward less subsidies from the Federal Government. For some reason or other that was taken out by the committee staff. It is appropriate we continue to keep that in law instead of repealing it. Since they are not driven by competitiveness within the fixed rail system, I encourage them to note that the Congress expects them to work for efficiency and to repeal it. I recall in Boston, for example, we had a situation where Amtrak runs through Boston and is part of their mass transit system. So a committee chair looked at a contract they let out for the Boston fixed rail. It was the most expensive contract, providing the least service to the passengers. This kind of provision is an incentive. It gives Members of Congress a way of expressing to Amtrak that we hope that they work for an efficient, effective system. I don't think it is particularly Draconian; at least I do not view it that way.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I have listened with interest to our colleague from Colorado. Since I have a son and two grandchildren who live in Colorado, they talk about how nice it would be for train service to run from Denver to Glenwood Springs and provide that kind of service. It would ease up the traffic on the highways in Colorado, Route 70, and others.

It would be nice if it was possible to reduce the subsidies, but the problem is, the world has proven in country after country that you cannot operate passenger rail service at a profit. You cannot carry the obligations that are required with a passenger rail system. My colleague will excuse me when I say this: It is kind of fallacious to even believe that it is possible. We tried it.

In 1997, our reauthorization bill said we should try to eliminate subsidies. We couldn't eliminate them. But I will tell my colleagues what did happen. Ridership has gone way up. That proves one thing; that is, that the railroads have to be there. We just had a vote on an amendment calling for the elimination of routes across the country which lost substantially. The fact is, the country desperately needs rail service. Our airlines are busy beyond capacity. Highways are busy beyond capacity. We are stuck in traffic all over. The railroad is finally beginning to find its way out.

What we have in our bill, for the edification of our friend from Colorado, is a goal to reduce operating subsidies by 40 percent in 6 years. That is a start.

I urge my colleague to let this take place. Let it happen. Let's see what goes on there. We have made all kinds of conditions of reform for the railroad, not ignoring the fact that there have been large subsidies but also recognizing that passenger rail service requires subsidy.

In the UK, for example, the Government decided to go private with its rail system. They found out that things deteriorated rapidly. They weren't safe, and they weren't efficient. We are now beginning to see that Amtrak is attracting ridership as we have not seen it before, as 26 million people rode Amtrak last year. But so many burdens were placed on Amtrak: insufficient funding for capital in the first place, substantial outstanding indebtedness.

How did Amtrak get to be a national corporation? It got there in the early 1970s because the private sector couldn't handle it. There is no money to be made there, when you consider that freight railroads are making money and freight railroads often are an impediment to passenger rail service operating efficiently.

We are going through a review of what Amtrak ought to be. We know our equipment is not up to date. We know our trackage is not up to date. We know our signage is not up to date.

I had the opportunity to ride in the engine of a train from Paris to Brussels going to a NATO meeting. We cruised along at 300 kilometers, 180 miles an hour, and rode 200 miles in an hour and 20 minutes. It is that kind of service that could be offered if we could invest in bringing Amtrak up to date, and perhaps we could begin to see the results that would attract that kind of support.

Revenue increases have been taking place, so we are on a good track to make Amtrak more efficient, less costly, and more conscious of their operating expenses. But we have to be able to continue in that vein. If we said we demand there be a point in time when there are no more subsidies, we would not be being realistic. It can happen.

I hope if this comes to a vote, we will defeat it soundly. I think we have the votes to do that. I hope we can put this aside for now and give us a chance to go further on the debate and the review of the Amtrak bill as it is.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I wish to respond for a moment, if I might, to clarify. No. 1, I am a strong proponent of fixed rail. As chairman of the Housing and Transportation Subcommittee in Banking, I worked hard for mass transit and, obviously, fixed rail. So I agree that rail needs to be a vital part of our transportation system.

All this amendment does is put in law a goal we want self-sufficiency for—not capital investments. So as to the signage the Senator talks about, the rails on the ground that need to be laid, buying the new transportation, it does not apply to that. It applies to operational costs. It is not a hard line. We have been going for several years without meeting this goal.

I think we have done some work in that direction, but as far as I am concerned, the amount of efficiency has been pretty minimal. I think we can do more. Even if it is minimal, at least we can keep it in there so it continues to

encourage them to be more efficient and review processes and procedures they use in the operation of Amtrak. That is not capital investment. That is operational, things they can do to bring efficiency to their services, which I think is to the advantage of the rider, as well as to the taxpayers of this country.

I wanted to clarify that for the Senator from New Jersey.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. BARRASSO pertaining to the introduction of S. 2229 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNET TAX MORATORIUM

Mr. WYDEN. Mr. President, a large number of Senators of both parties are working in good faith to try to address this question of the Internet tax moratorium. I simply want to take a few minutes this afternoon to bring to light a new development in the discussion that I hope all Senators will keep in mind.

The Congressional Research Service—our independent group that analyzes policy matters—informed me this morning that because the other body, the House of Representatives, changed the definitions in the current Internet tax moratorium, it would be possible, under the language that was adopted by the other body, to tax various Web services, such as e-mail. I know no Member of the Senate who wishes to see that happen.

Mr. President, I ask unanimous consent at this time to have printed in the RECORD the memorandum the lawyers at the Congressional Research Service sent me about the Internet tax moratorium.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, October 24, 2007.

MEMORANDUM

To: The Honorable Ron Wyden, Attention: Joshua Sheinkman.

From: John R. Luckey, Legislative Attorney, American Law Division.

Subject: Internet Tax Moratorium.

This memorandum is furnished in response to your request for an analysis of whether the definition of ''internet access'' in the Internet Tax Freedom Act Amendments (H.R. 3678) as passed by the House is more restrictive (would permit more activities to be taxed by the states) than that of the Internet Tax Moratorium which is set to expire on November 1, 2007.

The expiring moratorium defines ''Internet access'' to mean:

a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to users. The term 'Internet access' does not include telecommunications services, except to the extent such services are purchased, used, or sold by a provider of Internet access to provide Internet access.

Exemption is provided for voice services over the Internet.

H.R. 3678 would define ''Internet access'' as follows:

The term ''Internet Access''—

(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold (i) to provide such service; or (ii) to otherwise enable users to access content, information or other services offered over the Internet;

(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity; and

(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), or (C)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), or (C).

The language of H.R. 3678 would be more restrictive in at least two ways. First, the ''enables users to connect'' language of paragraph (A) would limit the moratorium to taxes upon the connection provider and services they provide under (B) and (C). Thus, if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

Second, the exemption of paragraph (D) would allow the taxation of many more products and services than the existing exemption under the current §1108.

We hope this information is responsive to your request. If you have further questions, please call.

Mr. WYDEN. Mr. President, in reference to the language that came from the other body, which I am concerned about, the Congressional Research Service said:

. . . if an Internet user utilized one provider to connect to the internet and another paid provider of, for instance, email services, the connection provider would be covered by the moratorium but not the paid email provider. Under the current moratorium, each would be covered.

What that means is, if you are an American, for example, who gets your Internet access from Verizon, under the House language that would continue to be protected. But if you get your e-mail from, say, another provider—perhaps EarthLink or Google or Yahoo—under the language that was passed by the other body, that could be taxed, according to the Congressional Research Service. I do not think any Member of this body wants that to happen.

Also, reading further from the Congressional Research Service memorandum, they say it would also allow the taxation ''of many more products and services than the existing exemption under the current moratorium.''

The reason I wanted to bring this to light this afternoon is I know various proposals will be voted on next week. I will not be able to be here next week because of some very exciting news in our household, but I do want all Senators to be aware of what the Congressional Research Service has said. We have had the Internet tax moratorium now for a decade. I wrote the original law with now-SEC Chairman Christopher Cox, and it has worked well. The Internet has thrived and prospered. It is, of course, a technology treasure trove that we use for business, health opportunities, education, and a vast array of services.

We were told when the original proposal came out that it would, for example, be harmful to States, that they would lose revenue. That hasn't been the case. The States have gained in revenue for something like 16 straight quarters.

We heard it would be harmful to Main Street, to small businesses. That hasn't been the case either. In fact, most small businesses now look to something called ''Bricks and Clicks'' where they have a physical presence and an Internet presence.

We were also told it would be harmful to malls, as if our original proposal would empty the malls. That hasn't happened either. The moratorium has worked well, and I wish to make it permanent.

Frankly, the thing I am most concerned about this afternoon is the change in these definitions. The change in the definitions from the original moratorium, as outlined in this memo by the Congressional Research Service, ought to trouble every Senator as this

body considers the various alternatives that will be presented this upcoming week. I think the current definitions have served us well. They have allowed the net to thrive and prosper and they haven't caused damage to the States or to small businesses on Main Street or to the shopping malls. I see no reason for changing those current definitions.

I hope Senators will reflect on this language. Certainly it is going to be hard to explain to folks at home making changes that would open up the prospect, as the Congressional Research Service has said, for taxing e-mail. But an awful lot of Americans get their Internet access from one provider and they get their e-mail from somebody else. Given that, I wanted to make sure the Senate was aware of this, and that as the Senate considers this legislation, the issue of whether the moratorium should be made permanent is important, but even more important is getting this question of the definitions of what is covered in the moratorium right, because I don't believe any Senator wants to see happen what the Congressional Research Service has indicated this morning could happen under the bill that was passed by the other body.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, we need to invest in America's infrastructure. Today, America invests only three-tenths of 1 percent of our gross domestic product in public buildings and roads and bridges, ports and railroads. This abysmal figure is the lowest rate in the recent history of public investments dating back to at least the 1960s, and maybe before that. In Minnesota earlier this year, we saw some of the tragic consequences of the failure to invest in America.

I am glad to see the Sununu amendment was not agreed to. That amendment would have put a cap on our subsidies that Amtrak can utilize on its routes. In truth, however, such an amendment would put an end to all of Amtrak's long-distance trains within 5 years. By eliminating all of these essential rail services, the amendment would also lead to the slow but certain death of America's regional service as well.

The Nation receives extraordinary public benefits from mass transportation systems. They take thousands of cars off of our congested highways. They take tons of pollutants out of the air we breathe. They move people more efficiently into and out of our most congested areas. Such an amendment and the veto threat issued by the White House both are based on wrong assumptions—that we should be taking management flexibility and financial resources away from Amtrak. We should be doing exactly the opposite. We need to invest in Amtrak, just as we need to invest in our bridges, buildings, ports, and other transit systems.

Amtrak operates approximately 90 trains daily in Maryland, mostly on the Amtrak-owned Northeast corridor, through Baltimore, Penn Station, and New Carrollton. In addition to the Northeast corridor service, including the Acela Express, Regional, and Metroliner trains, Amtrak operates five long-distance trains through Maryland, as well as two regional trains. More than 1.7 million passengers board and disembark in Maryland's Amtrak stations every year. Those numbers are increasing. Amtrak's fiscal 2007 ridership topped 25.8 million. That is the fifth year in a row that Amtrak has seen a growth in passenger service.

So our constituents want this service. They need this service. It is in our national interest to promote a more efficient passenger rail system. It also set a record for the highest ridership that Amtrak has seen since the National Railroad Passenger Corporation was enacted in 1971.

Amtrak employs more than 2,500 Marylanders, brings good jobs that range from corporate executives and accountants to trainmen and the men and women who operate and maintain the tracks. Amtrak operates weekday MARC commuter rail service on the Northeast corridor, including Washington, Baltimore, and Perryville, under a contract with the Maryland Transit Administration. It has a shared capital agreement with the State. Both Amtrak and the State of Maryland invest jointly in the improvements. The joint benefit program included the investment of $28 million by the State in 2006.

Amtrak is part of the infrastructure backbone of Maryland. It carries millions of passengers, employs thousands of workers, and benefits all of us, both economically and environmentally. Let me underscore that.

Transit service is important for quality of life, so people can get from one place to another. It is certainly a lot easier if you are trying to get from Baltimore to New York to get on a train. It takes you right to downtown New York. You don't have to worry about going through the security of an airport. It is easier for people to use the rail service. But you are also helping our environment. It is a friendlier way for our energy and dealing with the environmental risks of transportation today to our environment. I was at a hearing yesterday regarding global climate change. Rail service will help us in dealing with the challenges of our environment. So it is in our environmental interest.

It is also in our economic interest. It helps us to become more energy efficient. We import too much oil. We are dependent upon countries with policies with which we disagree. Amtrak is part of the solution by improving rail service in this country. So we will be helping the security of America, the economy of America, and certainly the environmental issues as well.

Mr. President, we need to rethink our approach to America's critical infrastructure. We need to reinvest in Amtrak. It is an investment in America that is long overdue. I urge my colleagues to support the legislation.

I thank the leadership in the Senate for bringing this issue forward. It will have my support.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise in strong support of the Passenger Rail Improvement and Investment Act of 2007. I thank my distinguished senior colleague from New Jersey, Senator LAUTENBERG, who, not only in this legislation but for some time, has been probably Amtrak's strongest advocate. Beyond being an advocate for Amtrak, which certainly is worthy of it, it is the advocacy over the course of the years of millions of riders who depend upon Amtrak to send their sales force to work, to promote their products along Amtrak's routes; those Americans who use Amtrak to get to some of the Nation's leading hospitals and research centers to try to be cured; those individuals who come to visit, for example, the Nation's Capital and do so through Amtrak and the tourism that is spread throughout that process; those who do financial transactions in commerce and lawyers—a whole host and universe of America's economy and people who use Amtrak to ultimately achieve the Nation's economic well-being. Senator LAUTENBERG has been at the forefront of that. I thank him and Senator LOTT for their efforts in guiding this important legislation to the floor.

Every year since 2002, Amtrak has had to continue operations on a yearly basis without adequate funds to maintain the rail system over the long term. It is almost like a starvation diet—keeping it up just enough to be temporarily alive but working it in such a way and cutting its funds in such a way that it can neither be successful nor fully survive. Right now, the system is at a breaking point. Amtrak's equipment is aging, and no amount of maintenance can keep cars built in the 1950s on the tracks.

Amtrak is not just a passenger rail system that serves 25 million people each year; Amtrak is also a program that reduces our greenhouse gas emissions, reduces congestion on our roadways, fights sprawl, creates jobs, and it fosters economic activity. I know firsthand the benefits of Amtrak because over 100,000 New Jersey commuters depend on Amtrak's infrastructure every day. There are many other commuter

rail systems in States that depend upon Amtrak's infrastructure as well to move very large amounts of their State's residents over the Amtrak lines.

Some critics want Amtrak to be the only major transportation system in the world that operates without Government subsidy. This standard is simply impossible to meet and a standard to which we do not hold any other mode of transportation. Over the past 35 years, we have spent less money on Amtrak than we will on highways in this year alone. So over the last three and a half decades, we have spent less money on Amtrak than we will spend on highways just in this year alone. When you factor in State and local subsidies for infrastructure and parking, some studies suggest that up to 8 percent of our gross national product is spent on subsidies for automobile use.

We have never committed the same support behind Amtrak as we have for other modes of transportation. This bill will finally give Amtrak a stable amount of authorized funds it needs over the next 6 years to adequately fund its operation and finance capital improvements.

At the same time, these funds aren't free. To get these funds, Amtrak will be forced to tighten its belt, while simultaneously improving service. The bill reduces Amtrak's annual appropriations need by requiring reforms that will reduce Amtrak's operating costs by 40 percent over the life of the bill.

In addition, the bill provides for $1.4 billion for States to provide new passenger rail service between cities. In some instances, these State operations will likely provide service that complements existing Amtrak service just as the recent light rail projects we have seen in New Jersey have done. In other cases, these funds may actually create competition for Amtrak for service between some cities.

The bill will also require Amtrak to use a new financial accounting system so that regulators and legislators can better monitor how Amtrak uses its resources. This bill would also require Amtrak to use its resources to provide a new level of service by improving ontime performance, upgrading onboard services, and providing easier access to other transportation systems.

Finally, the bill will also require a systemwide security review to ensure that rail remains a safe transportation alternative. With record-high gasoline prices, congested highways, and airports that are experiencing record delays, we need all the alternative forms of transportation we can provide to a frustrated American traveler.

Mr. President, as someone who represents a State that saw the consequences of what happened on September 11, 2001, that fateful day, since then we have come to fully appreciate the importance of multiple modes of transportation in a security context.

We have always talked about transportation in the context of getting people to work and jobs and economic opportunity. We have talked about sending sales forces of small and midsize businesses, using rail services to go to different cities, for intercity travel, so they can promote their products and services. We have talked about people who might get on a rail line to go to Johns Hopkins University Hospital or some of the great hospitals in New Jersey, such as Robert Wood Johnson or Hackensack University Medical Center, or the great hospitals in New York, to name one of the many route lines that give people access to such opportunities. We have talked about tourism and people being able to take Amtrak to go to different parts of the country to see the greatness of America. That has always been the focus we have had as it relates to rail passenger service or, for that fact, really transportation modes in general. But on September 11, and therefrom, we learned that multiple modes of transportation are critical to the Nation's security and well-being.

On that fateful day, when we had the attacks in New York and the plane that crashed in Pennsylvania and the incident that took place in Washington at the Pentagon—on that fateful day, when in the metropolitan region where there are millions of Americans living, where the tunnels were closed down, where the bridges were closed down, where the subway systems were closed down, it was a different mode of transportation that got people out of downtown Manhattan from the World Trade Center site and to hospitals to be triaged in my State of New Jersey. That particular mode of transportation happened to be ferries. The only way to get into intercity travel, when all of the airlines were shut down for that period of time, was Amtrak.

So we have learned a lesson that this is beyond economics. We have learned a lesson that this is beyond tourism and this is beyond getting people to great centers of research and medicine to be cured; it is also about security. If we do away with Amtrak, we do away with the ability to have another mode of transportation that is critical to our security blanket. We have to think about Amtrak in that way as well.

Finally, there are small communities in rural America in which the only entity that stops at their doorstep is Amtrak—the only entity that stops at their doorstep. Imagine being cut off from the rest of America, other than through a car, because no entity serves the opportunity to make your community the destination. Amtrak, as part of a national rail system, creates opportunities for many parts of America to finally realize that they, too, will have access to the rest of the country.

Mr. President, for all of these reasons, I urge my colleagues to recognize that a strong, well-funded Amtrak is an essential resource for our country in all of these dimensions. I urge my colleagues to give us a strong vote for the Passenger Rail Improvement and Investment Act of 2007 and make sure that we reject amendments that would seek to undermine this critical asset for our economy, for our environment, for our health care and, yes, in a post–September 11 world, for our security. Let's make sure we send a strong message from the Senate that we will take second place to no one in the world in terms of having a strong passenger rail system and will unite our country by giving that opportunity for Amtrak to travel across the landscape of America and be able to meet all of these challenges.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3456

Mr. SUNUNU. Mr. President, I ask for the regular order regarding my amendment No. 3456.

The ACTING PRESIDENT pro tempore. That amendment is pending.

AMENDMENT NO. 3456, AS MODIFIED

Mr. SUNUNU. Mr. President, I send a modification of my amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

On page 35, strike line 20 and all that follows through ''(A)'' on line 23 and insert the following:

''(b)'' IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 36, strike lines 6 through 11.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, have I been recognized?

The ACTING PRESIDENT pro tempore. Yes.

Mr. SUNUNU. Mr. President, I submitted to the desk a small technical modification of the amendment I offered that would strike the prohibition on allowing multiple routes to be competitively bid under the Amtrak system. In the legislation, there is competitive bidding allowed but for only two routes. I don't think we need to have such an arbitrary restriction. The technical modification makes sure the right portions of the bill, the right lines of the bill are referenced in the amendment. It is not a substantive change.

AMENDMENT NO. 3452

Mr. President, I also wish to address my amendment that deals with Internet taxes. I offered this amendment last night, and I offered it on this legislation because we have been unable to get a vote anywhere in the Senate on Internet tax moratorium.

What an Internet tax moratorium does is prevents States, cities, and towns from placing taxes on the cost of Internet access, whether it is for consumers, small businesses, large businesses—it doesn't matter. The Internet is a national and global system for communications. It is a national system for commerce and for business, and it should be protected from multiple taxation, from local taxation for a number of reasons.

First, it is interstate commerce and, frankly, if there are going to be taxes levied, that interstate commerce and interstate communication should be the responsibility of Congress.

Second, because those taxes would only discourage broadband deployment, it would raise costs for consumers and certainly have an impact on businesses that rely on Internet access as part of doing business.

We were supposed to have a markup in the Commerce Committee. The bill was pulled from the markup. This is not something that just came up. We implemented a ban on Internet taxes in 1998 that lasted for 5 years. We extended it in 2003 for another 4 years. This is something that has received bipartisan support in the House and the Senate. Over 240 Members of the House of Representatives, Democrats and Republicans, support making this ban on Internet access taxes permanent.

Given that we have seen no action and that the prohibition expires on November 1, less than a week from today, I am sure a lot of people across the country are wondering why is Congress so dysfunctional. Why has Congress not acted on something that has such broad bipartisan support that is going to expire in less than a week?

I cannot answer that question, but I can try to do something about it, and that is why I offered an amendment to this bill that would make that ban on Internet access taxes permanent. The way it does that is by taking legislation that passed the House by a very strong bipartisan vote, 405 to 2, and making that 4-year proposal a permanent proposal. We take the same approach to technical definitions, the same approach to grandfathering that existed for some States that taxed the Internet in the past, and simply make that legislation permanent.

There is also a second-degree amendment that was offered to my amendment—an amendment to my amendment—that would say we should not make this ban permanent; we should only make it 4 years. I think that is a mistake. Given that we have already extended the ban on Internet access twice, given that it has bipartisan support, given that we have been able to see how this law works and has worked effectively over the last 9 years, I don't think we need to keep passing short-term extensions. And, frankly, short-term extensions, whether they are 1 year, 2 years, or 4 years, is something the American public looks at, and it is baffling why we cannot find it within ourselves the discipline, the will—whatever it takes—to make a good idea the permanent law of the land. It is high time we do that when it comes to banning Internet access taxes.

Senator WYDEN spoke earlier about this issue and suggested that the technical language in the bill passed by the other body was not perfect. That should come as a surprise to no one. There is no such thing as absolutely perfect legislation. But it was certainly good enough to get all but two Members of 435, all but two Members to vote for the legislation. It was certainly good enough to offer the same language as an amendment to my bill.

To suggest that this language is fatally flawed is very much mistaken. But even if it were an issue that needed to be addressed, it will have to be addressed whether we pass a 4-year extension or a permanent extension. So to use that as an excuse to oppose making the Internet tax ban permanent, I think, is a mistake. It simply is wrong.

I would like to see the clearest possible language when it comes to service providers that are providing different kinds of Internet services but might not be providing Internet access as well. I even had an amendment ready to offer in committee to improve this language. As I indicated, Mr. President, we didn't have any amendments in committee because we didn't have any votes in committee because we didn't have any bill offered before the committee for a markup.

So that is where we find ourselves. We have a proposal in front of us in the way of an amendment to make permanent the ban on Internet access taxes using language that has been supported in a very strong bipartisan way in the House of Representatives, and we have an amendment to my proposal that would say: No, let's not make it permanent; let's do another short-term extension.

We have filed a cloture petition to bring debate on this particular issue to a close. That vote will happen tomorrow. And if cloture is invoked, we will have a vote on both amendments.

I have no problem voting on alternatives. And I have said this in different situations on different legislation in the past. What is most frustrating, as a Member of the Senate, is when there are procedural maneuverings used to prevent us from offering an amendment, having a vote on any given alternative. I do not mind voting on bills or legislation that I don't support. If you don't support something, you vote no and explain to people why you don't support it.

So we have both of these amendments before us, a cloture vote that will occur to bring debate to a close, and have the votes. And I certainly hope we vote cloture so we can have the votes and move forward on this very important issue.

I thank the Chair, and I yield the floor.

Mr. CARPER. Will the Senator yield?

Mr. SUNUNU. I yield to the Senator.

Mr. CARPER. I would invite the Senator from New Hampshire to engage in a brief colloquy. I have been listening to his comments. I think we have a couple of options, and there may be a better path for it than the one we are assuming today. We are talking about an amendment that the Senator had offered to the Amtrak bill, bringing the Internet tax issues to the reauthorization of Amtrak, and others of us would offer a second-degree amendment to that. There will be a cloture vote that will proceed either of those two amendments.

I think there is another alternative that I would ask my friend to consider, and that would be the chance—I think all along the Senator from New Hampshire has wanted an up-or-down vote on his proposal, which is fair game. I think our own leadership, and I think in consultation with your leadership, including with Senator LOTT, has suggested maybe one day next week we have an up-or-down vote—your proposal and the alternative of our proposal that Senator ALEXANDER and I and others would offer, which would provide for a 6-year extension for a moratorium on Internet taxation. For another 6 years we would provide for a 6-year extension of the grandfather—

Mr. SUNUNU. Mr. President, reclaiming my time, and I am happy to view the statement that was made in the form of a question so I can respond. That is what we will have if we invoke cloture tomorrow. We will have a vote on a 4-year extension and a vote on making the ban permanent. We can certainly have further discussions about the procedures and proposals off the Senate floor rather than negotiate a process or a procedure in a colloquy format, but I am sure the Senator from Delaware can appreciate the frustration that has put us in this position, given that no bill was offered in committee, no bill was offered in the Finance Committee, and in fact the legislation was pulled.

So I am pleased we are in a position now where tomorrow we will have exactly what the Senator from Delaware prescribes, and if there are other alternatives or proposals, I am certainly happy to listen to them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, while Senator SUNUNU is still on the floor, if I could add one other comment. Senator LOTT said at the beginning of the debate on this bill that folks are welcome, Democrats and Republicans, to come and offer their amendments, nongermane, if they are. But when we get to conference, he said: I will warn you right from the get-go, nongermane amendments that are offered to this bill might be attached to this bill when we get to conference, but they will not be in this bill when we come out.

So I would suggest to Senator SUNUNU that we consider the approach

I just outlined; that next week, maybe in the middle of next week, he would have the opportunity, with time for debate, to offer his proposal to make permanent the moratorium on taxing Internet access, and we would have the opportunity to offer an alternative, which would be a 6-year extension of the moratorium.

I will tell you why we think it is important. Five years ago, I never heard of VOIT, voice over Internet protocol. I had no idea what it was. I don't think anybody around here did. That is the ability to send telecommunications, telephone messages, over the Internet. It is a major change in the way we communicate on the telephone. The problem with making permanent this legislation is we assume there are not going to be any more technological changes. We are learning how to send cable TV, movies, and all kinds of stuff over the Internet. Traditionally, State and local governments have had the right to raise revenues as they see fit. In fact, we have an unfunded mandates law that says State and local governments have protection from us in Congress telling them how to spend their money or telling them how to raise their money. We passed a law that says we can't do that. I was Governor, actually, in 1995. I was Governor when we pushed for that sort of protection. Who are we in the Federal Government to tell States how they have to spend their money or how they can raise it? That is what was adopted in the unfunded mandates legislation in 1995.

We turned around in Congress 3 years later and said: By the way, we don't want folks to tax access to the Internet, and if you are already doing that in the United States, we are going to grandfather you in for a while, but we put in place, starting in 1998, this 3-year moratorium on other States beginning to tax access to the Internet—really trying to tax people's AOL bills.

The concern as we go forward, as we learn to do other things over the Internet other than sending e-mails and instant messaging and stuff, if we allow the bundling of services, including telephone services, including cable services, television services, the sort of thing that State and local governments have traditionally used to pay for education, pay for schools, pay for fire, pay for police, or pay for paramedics, if we aren't careful, we are going to basically preclude or reduce their ability to raise the revenue they need for the problems in their States.

So we are not smart enough—I am not smart enough, and I don't think any of us here are smart enough—to know for certainty what the technology is going to be in 5 years, 4 years, or 10 years. That is why we want the extension of the moratorium, to make sure people's access to the Internet is not going to be taxed, but what we don't want to do is to do something permanently because of the changing nature of technology.

So I think it makes sense next week for us to have the opportunity for Senator SUNUNU to come to the floor, offer his permanent moratorium amendment, and have the same opportunity for Senator ALEXANDER and myself, and Senator DORGAN, Senator FEINSTEIN, Senator ROCKEFELLER, Senator ENZI, and Senator VOINOVICH, and others who believe that a 6-year moratorium may be the better alternative for now. I hope we will have that opportunity.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I appreciate the interest of the Senator from Delaware in the issue, and I want to take the opportunity to respond to a couple of issues.

First, on the substantive issues: The Congress—the Federal Government—tells the States what they can or can't do on taxes all the time; not in every area, to be sure, and we shouldn't in every area. And if this permanent ban on Internet taxes passes, Internet-related businesses will still pay property taxes, payroll taxes, and business income taxes, but the network itself, access to the global network itself, will not be subject to taxes.

This is not that dissimilar from the fact that we prevent States from levying their own export taxes because it affects international trade and global commerce, and even interstate commerce. We don't allow States to arbitrarily tax flights from their State to other States or across the country for the same reason—because we view that as interstate commerce and an interstate transportation system. We even have restrictions on States' ability to impose tolls on interstate highways, all for the same reason.

So to suggest that we should never tell States how to handle matters of taxation is incorrect. We do it all the time. And we should do it on matters of interstate commerce, which is the responsibility—the constitutional responsibility—of the Congress.

Second, back to the issue of technology changing. Well, of course, technology changes things. And we may and do have to modify legislation from time to time with regard to evolving technology. Regulations or laws affecting the Federal Communications Commission—the FCC—laws regarding regulations of video, phone, Internet protocol services, we want to make sure they keep pace. But that doesn't mean every law we pass in these areas should be temporary, especially in matters of taxation, because the way we tax goods and services affects our entire economy.

Anyone who has worked in the area of technology is familiar with the R&D tax credit. The Congress continually passes 1- and 2-year extensions of the research and development tax credit, even though it passes almost unanimously in both Chambers every time. The American public looks at that and they wonder if our goal is to just make a little bit of extra work for lobbyists. It is wrong to deal with our Tax Code on such a short-term basis, whether it is the research and development tax credit or Internet access taxes.

Finally, a couple of points about process. How easy it is to stand up on the Senate floor and say: Well, let's do the collegial thing and just take care of this next week. We had the Internet tax moratorium on the floor a few years ago. It made the moratorium permanent. The opponents of making the Internet moratorium permanent said: We are not quite ready. Could we take care of this next week or maybe the week after? And in good faith that bill was taken from the floor. Then the opponents of making the ban permanent prevented us from bringing the bill to the floor for another 9 months. Maybe it was even longer.

So it is easy to come and say we should take care of this next week, but the fact is that next week the moratorium expires. On November 1, the moratorium expires. Why can't we take care of it this week, with the votes that are currently pending, currently before us—not just for my amendment but for an alternative, an amendment to my proposal? I think that is more than fair.

Again, I will be happy to talk about alternatives. And since we were first scheduled to have a debate and markup on this legislation in the Commerce Committee, no one has come to me and proposed specific alternatives other than the amendment that has been offered to my proposal. And just now Senator CARPER said: Well, maybe not 4 years, maybe 6 years. And I know he means that in good faith, but there are other leaders, on the Commerce Committee and others, who have an important role to play that will also have to be part of those discussions, and none of them have approached me directly with an alternative.

So I hope we can resolve this. I hope my colleagues will support making the Internet tax moratorium permanent and support me in voting for cloture tomorrow morning so we can have those votes.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL WARMING

Ms. KLOBUCHAR. Mr. President, I come to the floor today to talk about the scientific truth. Once again, the administration has kept all the facts from getting to the American people. On Tuesday, the Director of the Centers for Disease Control and Prevention, Dr. Julie Gerberding, testified before the Environment and Public Works Committee on the health impacts of global warming. The purpose of this hearing was to get all the facts

about the health threats global warming poses to our communities and our families. I thank Senator BOXER for her leadership of that committee, for her leadership on climate change. I am proud to be a member of the Environment and Public Works Committee, and we are doing some very good work in the climate change area. We actually have some legislation that we are considering in the next few weeks that I believe is good legislation. I don't believe we can wait to act.

I went to Greenland this summer and saw firsthand the water coming off these humongous glaciers like spigots. They have lost the size of Greenland and Arizona combined off the Greenland ice sheet. It is the canary in the coal mine for climate change.

There was a hearing this week. Unfortunately, the Director's initial testimony was not the testimony that was presented to the committee because her initial testimony did present the facts. As the Centers for Disease Control Director, she appears if you look at her initial testimony, to have taken seriously the mission of Centers for Disease Control which pledges to:

> . . . base all public health decisions on the highest quality scientific data, openly and objectively derived.

But the testimony she gave at the committee fell short of that pledge because, as has been reported in the press, the administration eliminated much of Dr. Gerberding's draft testimony which highlighted the threats to public health posed by global warming.

It is only the latest incident in what has been a pattern of this administration in attempting to suppress science. Specifically, this administration deleted her testimony on the views of the Centers for Disease Control on several health impacts of global warming, including explanations and descriptions of the links to heat stroke, weather disasters, worsening air pollution and allergies, food- and water-borne infectious diseases, mosquito- and tick-borne infectious diseases, food and water scarcity, mental health problems, and even chronic disease.

The Centers for Disease Control is an important agency that the American people trust to protect their health and safety and provide reliable health information. Let me reiterate one of the central tenets of the mission of the Centers for Disease Control, to:

> . . . base all public health decisions on the highest quality scientific data, openly and objectively derived.

Dr. Gerberding's original testimony included the following statement:

> The United States is expected to see an increase in the severity, duration and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure from excessive heat.

The President's spokesman claims they edited the testimony because:

> there were broad characterizations about climate change science that didn't align with the U.N. Intergovernmental Panel on Climate Change Report.

What did the Intergovernmental Panel on Climate Change Report state about the prospects of heat waves? It is important to remember that the IPCC is a very cautious group of scientists with a very conservative process for meticulously reviewing their conclusions through consensus. Their reports are produced by some 600 authors from 40 countries. Over 620 expert reviewers and a large number of Government reviewers also participated.

The IPCC stated:

> Severe heat waves will intensify in magnitude and duration over the portions of the U.S. where they already occur . . .

and:

> Local factors, such as the proportion of elderly people, are important in determining the underlying temperature-mortality relationship in a population.

I ask you, how does this align? How does eliminating this from the Nation's leading public health official's testimony benefit Americans?

Let me cite another example that was deleted from her testimony. Dr. Gerberding's original testimony stated:

> The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution and duration.

So as the wildfires rage out West, the President, his administration, is censoring testimony in the East.

Global warming does not cause these fires, but they certainly intensify the three main causes of wildfires: high temperature, summer dryness, and long-term drought. Southern California has experienced all three and is now suffering the consequences.

Again, we go back to what the President's spokesperson said yesterday when asked about this. She said they had to look at that testimony and make sure it was consistent with what the IPCC had said. In fact, that was the reason she gave for why they had censored it. Let's see what the IPCC said about forest fires. They, the IPCC, in their fourth assessment report, found that:

> . . . warm spells and heat waves will very likely increase the danger of wildfire.

That is what they said, the IPCC, that it would increase the danger of wildfire.

Then you have the head health official for our Government, the Centers for Disease Control, in her original testimony, saying it would increase the danger of forest fires. Pretty similar.

As these fires are raging in southern California and as we are seeing all across the country record high temperatures, record summer dryness, and long-term drought, the administration chose to redact, to delete portions of the testimony of their Director of Disease Control, which in fact predicted this would happen. We have not just seen large forest fires in California this year. We saw them in northern Minnesota. I was there shortly after these fires in the Ham Lake area in northern Minnesota devastated areas, burned down homes, and went way up to Canada. I was meeting up there with resort owners, with residents, and we were talking about the disaster relief, we were talking about when they are going to get their phone lines, we were talking about the effects on their business up there. Do you know what some of them wanted to talk about in the midst of all this disaster and burned trees? They wanted to talk about climate change because they had seen what was happening. There was a 30-percent reduction in profits at the ski resorts; forest fires raging—they knew something was wrong. Yet the administration is deleting the scientific prediction that is saying that exactly this will happen.

This is not the time for this administration to be censoring information. It is the time, instead, to look seriously at the health and other impacts of global warming and to take the steps we need to address them. I am proud to be part of a committee, under the leadership of Senator BOXER, that is no longer talking about whether climate change exists but talking about how to solve it.

We will continue to investigate the reasons this was deleted. We will continue to request information and get to the truth. But the main thing I would like to say today to my colleagues is that the American people know that something is wrong. They want us to solve it. You can't hide the facts anymore. You can't bury them as forest fires are raging and sea levels are rising and temperatures are rising. You can't bury the facts. You have to get to the solution.

Mr. CARDIN. Mr. President, 2 days ago the Environment and Public Works Committee held a hearing on the Health Impacts of Global Warming. Our lead witness was Dr. Julie L. Gerberding, the Director of the Centers for Disease Control and Prevention and the Administrator for the Agency for Toxic Substances and Disease Registry within the Department of Health and Human Services.

Dr. Gerberding was invited to testify by Chairman BOXER because the Director is a highly respected leader in the public health arena. The committee wanted to have the benefit of her expertise as we grapple with one of the most important issues of our time, global climate change.

As everyone now knows, Dr. Gerberding's written testimony for the hearing was severely edited, with whole pages deleted. The White House says that some of her written comments did not represent the consensus view of the scientific community.

The very first line that the White House censored in Dr. Gerberding's testimony was this: ''Scientific evidence supports the view that the earth's climate is changing.''

If that statement doesn't represent the overwhelming sentiment of the

world's scientific community, I don't know what does. I find it astounding that this simple, sober statement of scientific fact would be censored.

These continuing efforts to silence the scientific community would be laughable if the stakes weren't so high. In the censored portions of her testimony, Dr. Gerberding lists them for us: direct effects of heat; health effects related to extreme weather events; air pollution-related health effects; allergic diseases; water- and food-borne infectious diseases; vector-borne and zoonotic diseases; food and water scarcity, at least for some populations; mental health problems; and long-term impacts of chronic diseases and other health effects.

Mr. President, I found Dr. Gerberding's oral testimony to be excellent. She answered my questions directly and without qualifications. Her responses to the other Senators on the panel appeared to be equally candid.

Oral testimony is always limited by time, and committees rely heavily on the written comments of witnesses to provide a more complete perspective. Because of votes on the Senate floor on Tuesday morning, we were especially constrained for time.

I regret that we did not have the benefit of Dr. Gerberding's full statement prior to the hearing. Certainly, they would have added a more complete picture of the human health impacts associated with global warming than she was able to convey in the highly censored version that was transmitted to the committee.

The American people and the U.S. Senate have a right to know what our top health officials have to say on this critical issue. Today I will be submitting to the RECORD a full copy of the testimony that Dr. Gerberding had intended to offer. Her views are critical to this debate.

Science shouldn't be silenced. And today we will make sure Dr. Gerberding's words are heard.

I ask unanimous consent that the full text of her draft testimony be printed into today's RECORD. The American people can read for themselves what the Director of the Centers for Disease Control and Prevention had to say before the White House censors tried to silence her.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CLIMATE CHANGE AND PUBLIC HEALTH

INTRODUCTION

Good morning Madam Chairwoman, Senator Inhofe, and other distinguished members of the Committee. It is a pleasure to appear before you as Director of the Centers for Disease Control and Prevention (CDC), the Nation's leading public health protection agency located within the Department of Health and Human Services. Thank you for the opportunity to present testimony on climate change and human health and to highlight the role of CDC in preparing for and responding to the health effects of climate change.

BACKGROUND

The health of all individuals is influenced by the health of people, animals, and the environment around us. Many trends within this larger, interdependent ecologic system influence public health on a global scale, including climate change. The public health response to such trends requires a holistic understanding of disease and the various external factors influencing public health. It is within this larger context where the greatest challenges and opportunities for protecting and promoting public health occur.

Scientific evidence supports the view that the earth's climate is changing. A broad array of organizations (federal, state, local, multilateral, faith-based, private and nongovernmental) is working to address climate change. Despite this extensive activity, the public health effects of climate change remain largely unaddressed. CDC considers climate change a serious public health concern.

CLIMATE CHANGE IS A PUBLIC HEALTH CONCERN

In the United States, climate change is likely to have a significant impact on health, through links with the following outcomes: Direct effects of heat, health effects related to extreme weather events, air pollution-related health effects, allergic diseases, water- and food-borne infectious diseases, vector-borne and zoonotic diseases, food and water scarcity, at least for some populations, mental health problems, and long-term impacts of chronic diseases and other health effects.

The United States is a developed country with a variety of climates. Because of its well developed health infrastructure, and the greater involvement of government and nongovernmental agencies in disaster planning and response, the health effects from climate change are expected to be less significant than in the developing world. Nevertheless, many Americans will likely experience difficult challenges. Catastrophic weather events such as heat waves and hurricanes are expected to become more frequent, severe, and costly; the U.S. population is anticipated to continue to age and move to vulnerable locations such as coastal areas, increasing exposures to specific risks; and concurrent challenges such as water scarcity in certain regions could limit our resilience. In addition, climate change is likely to alter the current geographic distribution of some vector-borne and zoonotic diseases; some may become more frequent, widespread, and outbreaks could last longer, while others could be reduced in incidence.

Heat stress and direct thermal injury

One of the most likely climate change projections is an increase in frequency of hot days, hot nights, and heat waves. The United States is expected to see an increase in the severity, duration, and frequency of extreme heat waves. This, coupled with an aging population, increases the likelihood of higher mortality as the elderly are more vulnerable to dying from exposure to excessive heat. Midwestern and northeastern cities are at greatest risk, as heat-related illness and death appear to be related to exposure to temperatures much hotter than those to which the population is accustomed.

Extreme weather events

Climate change is anticipated to alter the frequency, timing, intensity, and duration of extreme weather events, such as hurricanes and floods. The health effects of these extreme weather events range from loss of life and acute trauma, to indirect effects such as loss of home, large-scale population displacement, damage to sanitation infrastructure (drinking water and sewage systems), interruption of food production, damage to the health-care infrastructure, and psychological problems such as post traumatic stress disorder. Displacement of individuals often results in disruption of health care, of particular concern for those with underlying chronic diseases. Future climate projections also show likely increases in the frequency of heavy rainfall events, posing an increased risk of flooding events and overwhelming of sanitation infrastructure.

Air pollution-related health effects

Climate change can affect air quality by modifying local weather patterns and pollutant concentrations, affecting natural sources of air pollution, and promoting the formation of secondary pollutants. Of particular concern is the impact of increased temperature and UV radiation on ozone formation. Some studies have shown that higher surface temperatures, especially in urban areas, encourage the formation of ground-level ozone. As a primary ingredient of smog, ground-level ozone is a public health concern. Ozone can irritate the respiratory system, reduce lung function, aggravate asthma, and inflame and damage cells that line the lungs. In addition, it may cause permanent lung damage and aggravate chronic lung diseases.

Allergic diseases

Studies have shown that some plants, such as ragweed and poison ivy, grow faster and produce more allergens under conditions of high carbon dioxide and warm weather. As a result, allergic diseases and symptoms could worsen with climate change.

Water- and food-borne infectious diseases

Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and water-borne diseases. Changes in precipitation, temperature, humidity, and water salinity have been shown to affect the quality of water used for drinking, recreation, and commercial use. For example, outbreaks of Vibrio bacteria infections following the consumption of seafood and shellfish have been associated with increases in temperatures. Heavy rainfall has also been implicated as a contributing factor in the overloading and contamination of drinking water treatment systems, leading to illness from organisms such as Cryptosporidium and Giardia. Storm water runoff from heavy precipitation events can also increase fecal bacterial counts in coastal waters as well as nutrient load, which, coupled with increased sea-surface temperature, can lead to increases in the frequency and range of harmful algal blooms (red tides) and potent marine biotoxins such as ciguatera fish poisoning.

Vector-borne and zoonotic diseases

Vector-borne and zoonotic diseases, such as plague, Lyme disease, West Nile virus, malaria, hantavirus pulmonary syndrome, and dengue fever have been shown to have a distinct seasonal pattern, suggesting that they are weather sensitive. Climate change-driven ecological changes, such as variations in rainfall and temperature, could significantly alter the range, seasonality, and human incidence of many zoonotic and vector-borne diseases. More study is required to fully understand all the implications of ecological variables necessary to predict climate change effects on vector-borne and zoonotic diseases. Moderating factors such as housing quality, land-use patterns, and vector control programs make it unlikely that these climate changes will have a major impact on tropical diseases such as malaria and dengue fever spreading into the United States. However, climate change could aid in the establishment of exotic vector-borne diseases imported into the United States.

Food scarcity

Climate change is predicted to alter agricultural production, both directly and indirectly. This may lead to scarcity of some foods, increase food prices, and threaten access to food for Americans who experience food insecurity.

Mental health problems

Some Americans may suffer anxiety, depression, and similar symptoms in anticipating climate change and/or in coping with its effects. Moreover, the aftermath of severe events may include post-traumatic stress and related problems, as was seen after Hurricane Katrina. These conditions are difficult to quantify but may have significant effects of health and well-being.

CLIMATE CHANGE VULNERABILITY

The effects of climate change will likely vary regionally and by population. The northern latitudes of the United States are expected to experience the largest increases in average temperatures; these areas also will likely bear the brunt of increases in ground-level ozone and associated airborne pollutants. Populations in mid-western and northeastern cities are expected to experience more heat-related illnesses as heat waves increase in frequency, severity, and duration. Coastal regions will likely experience essentially uniform risk of sea level rise, but different rates of coastal erosion, wetlands destruction, and topography are expected to result in dramatically different regional effects of sea level rise. Distribution of animal hosts and vectors may change; in many cases, ranges could extend northward and increase in elevation. For some pathogens associated with wild animals, such as rodents and hantavirus, ranges will change based on precipitation changes. The west coast of the United States is expected to experience significant strains on water supplies as regional precipitation declines and mountain snowpacks are depleted. Forest fires are expected to increase in frequency, severity, distribution, and duration.

The health effects of climate change on a given community will depend not only on the particular exposures it faces, but also on the underlying health status, age distribution, health care access, and socioeconomic status of its residents. Local response capacity will also be important. As with other environmental hazards, members of certain ethnic and racial minority groups will likely be disproportionately affected. For example, in low-lying coastal communities facing increasingly frequent and severe extreme precipitation events, there could be increased injuries, outbreaks of diarrheal disease, and harmful algal blooms; saltwater may intrude into freshwater tables and infrastructure is likely to be damaged by severe storms, hampering economic recovery. In certain Southern coastal communities with little economic reserve, declining industry, difficulty accessing health care, and a greater underlying burden of disease, these stressors could be overwhelming. Similarly, in an urban area with increasingly frequent and severe heat waves, certain groups are expected to be more affected: the home-bound, elderly, poor, athletes, and minority and migrant populations, and populations that live in areas with less green space and with fewer centrally air-conditioned buildings are all more vulnerable to heat stress.

Some populations of Americans are more vulnerable to the health effects of climate change than others. Children are at greater risk of worsening asthma, allergies, and certain infectious diseases, and the elderly are at higher risk for health effects due to heat waves, extreme weather events, and exacerbations of chronic disease. In addition, people of lower socioeconomic status are particularly vulnerable to extreme weather events. Members of racial and ethnic minority groups suffer particularly from air pollution as well as inadequate health care access, while athletes and those who work outdoors are more at risk from air pollution, heat, and certain infectious diseases.

Given the differential burden of climate change's health effects on certain populations, public health preparedness for climate change must include vulnerability assessments that identify the most vulnerable populations with the most significant health disparities and anticipate their risks for particular exposures. At the same time, health communication targeting these vulnerable populations must be devised and tested, and early warning systems focused on vulnerable communities should be developed. With adequate notice and a vigorous response, the ill health effects of many exposures from climate change can be dampened.

PUBLIC HEALTH PREPAREDNESS FOR CLIMATE CHANGE

Climate change is anticipated to have a broad range of impacts on the health of Americans and the nation's public health infrastructure. As the nation's public health agency, CDC is uniquely poised to lead efforts to anticipate and respond to the health effects of climate change. Preparedness for the health consequences of climate change aligns with traditional public health contributions, and—like preparedness for terrorism and pandemic influenza—reinforces the importance of a strong public health infrastructure. CDC's expertise and programs in the following areas provide the strong platform needed:

Environmental Public Health Tracking: CDC has a long history of tracking occurrence and trends in diseases and health outcomes. CDC is pioneering new ways to understand the impacts of environmental hazards on people's health. For example, CDC's Environmental Public Health Tracking Program has funded several states to build a health surveillance system that integrates environmental exposures and human health outcomes. This system, the Tracking Network, will go live in 2008, providing information on how health is affected by environmental hazards. The Tracking Network will contain critical data on the incidence, trends, and potential outbreaks of diseases, including those affected by climate change.

Surveillance of Water-borne, Food-borne, Vector-borne, and Zoonotic Diseases: CDC also has a long history of surveillance of infectious, zoonotic, and vector-borne diseases. Preparing for climate change will involve working closely with state and local partners to document whether potential changes in climate have an impact on infectious and other diseases and to use this information to help protect Americans from the potential change in of a variety of dangerous waterborne, food-borne, vector-borne, and zoonotic diseases. CDC has developed ArboNet, the national arthropod-borne viral disease tracking system. Currently, this system supports the nationwide West Nile virus surveillance system that links all 50 states and four large metropolitan areas to a central database that records and maps cases in humans and animals and would detect changes in real-time in the distribution and prevalence of cases of arthropod-borne viral diseases. CDC also supports the major foodborne surveillance and investigative networks of FoodNet and PulseNet which rapidly identify and provide detailed data on cases of foodborne illnesses, on the organisms that cause them, and on the foods that are the sources of infection. Altered weather patterns resulting from climate change are likely to affect the distribution and incidence of food- and waterborne diseases, and these changes can be identified and tracked through PulseNet.

Geographic Information System (GIS): At the CDC, GIS technology has been applied in unique and powerful ways to a variety of public health issues. It has been used in data collection, mapping, and communication to respond to issues as wide-ranging and varied as the World Trade Center collapse, avian flu, SARS, and Rift Valley fever. In addition, GIS technology was used to map issues of importance during the CDC response to Hurricane Katrina. This technology represents an additional tool for the public health response to climate change.

Modeling: Currently sophisticated models to predict climate and heat exist. For example, CDC has conducted heat stroke modeling for the city of Philadelphia to predict the most vulnerable populations at risk for hyperthermia. Modeling and forecasting represent an important preparedness strategy, in that it can help predict and respond to the most pressing health vulnerabilities at the state and local level. Armed with modeling data, we can target response plans for heat and other extreme weather events to the most vulnerable communities and populations.

Preparedness Planning: Just as we prepare for terrorism and pandemic influenza, we should use these principles and prepare for health impacts from climate change. For example, to respond to the multiple threats posed by heat waves, the urban environment, and climate change, CDC scientists have focused prevention efforts on developing tools that local emergency planners and decision-makers can use to prepare for and respond to heat waves. In collaboration with other Federal partners, CDC participated in the development of an Excessive Heat Events Guidebook, which provides a comprehensive set of guiding principle and a menu of options for cities and localities to use in the development of Heat Response Plans. These plans clearly define specific roles and responsibilities of government and nongovernmental organizations during heat waves. They identify local populations at increased high risk for heat-related illness and death and determine which strategies will be used to reach them during heat emergencies.

Training and Education of Public Health Professionals—Preparing for the health consequences of climate change requires that professionals have the skills required to conceptualize the impending threats, integrate a wide variety of public health and other data in surveillance activities, work closely with other agencies and sectors, and provide effective health communication for vulnerable populations regarding the evolving threat of climate change. CDC is holding a series of five workshops to further explore key dimensions of climate change and public health, including drinking water, heat waves, health communication, vector-borne illness, and vulnerable populations.

Health Protection Research: CDC can promote research to further elucidate the specific relationships between climate change and various health outcomes, including predictive models and evaluations of interventions. Research efforts can also identify the magnitude of health effects and populations at greatest risk. For example, CDC has conducted research on the relationship between hantavirus pulmonary syndrome and rainfall, as well as research assessing the impact of climate variability and climate change on temperature-related morbidity and mortality. This information will help enable public health action to be targeted and will help determine the best methods of communicating risk. CDC can serve as a credible source of information on health risks and actions that individuals can take to reduce their risk. In addition, CDC has several state-of-the-art laboratories conducting research on such issues as chemicals and human exposure, radiological testing, and infectious diseases. This research capacity is an asset in working to more fully understand the health consequences of climate change.

Communication: CDC has expertise in health and risk communication, and has deployed this expertise in areas as diverse as smoking, HIV infection, and cancer screening. Effective communication can alert the public to health risks associated with climate change, avoid inappropriate responses, and encourage constructive protective behaviors.

While CDC can offer technical support and expertise in these and other activities, much of this work needs to be carried out at the state and local level. For example, CDC can support climate change preparedness activities in public health agencies, and climate change and health research in universities, as is currently practiced for a variety of other health challenges.

CONCLUSION

An effective public health response to climate change can prevent injuries, illnesses, and death and enhance overall public health preparedness. Protecting Americans from the health effects of climate change directly correlates to CDC's four overarching Health Protection Goals of Healthy People in Every Stage of Life, Healthy People in Healthy Places, People Prepared for Emerging Health Threats, and Healthy People in a Healthy World.

While we still need more focus and emphasis on public health preparedness for climate change, many of our existing programs and scientific expertise provide a solid foundation to move forward. Many of the activities needed to protect Americans from the health effects of climate change are mutually beneficial for overall public health. In addition, health and the environment are closely linked, as strongly demonstrated by the issue of climate change. Because of this linkage it is also important that potential health effects of environmental solutions be fully considered.

Thank you again for the opportunity to provide this testimony on the potential health effects of global climate change and for your continued support of CDC's essential public health work.

Mr. CARDIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADMINISTRATION SPENDING PRIORITIES

Mrs. MURRAY. Mr. President, over the past few months we have sent the President critical legislation that invests in our country's transportation, economy, health and safety needs. Funding these priorities will make our country safer, our communities healthier, and our economy stronger. Unfortunately, it seems the President doesn't share these priorities. He has proposed to this Congress harmful budget cuts, and now he says he is going to veto several of these vital bills because we are asking for $22 billion more than he requested. He says our domestic spending is ''irresponsible and excessive.''

I personally find that hard to understand when, at the same time as he is saying that, he wants $196 billion in emergency spending for the wars in Iraq and Afghanistan. By the way, that does not include any money for our veterans. In fact, the $22 billion we want to invest at home represents less than what the President spends in Iraq in 3 months. That, not these bills, is what I think is irresponsible and excessive. We have to make sure we are not ignoring our needs here at home. The appropriations bills have the support of both parties. They ensure that our roads and our bridges, our airports, our railways are in good condition. They assure that our workers and families are healthy and our children have a chance to succeed. They assure that we have enough law enforcement officers to keep our communities safe. These bills simply restore some of the money the President cut and take a modest step forward after years of going in the wrong direction.

A healthy transportation system is vital to a healthy community. We need to ensure that our families can get to school or get to work and that goods move from place to place. But when he says no to our bill that provides money for transportation and housing and urban development, what the President is saying no to is the investments that ensure that our communities are strong, that prevent disasters—such as the bridge collapse in Minneapolis—from happening in this country again.

I am baffled, frankly, that the President's request for the war includes about $200 million for the construction of secondary roads in Afghanistan. He wants to spend $200 million on roads in Afghanistan but he is upset about our amendment to fix bridges in the United States.

Clearly, this administration thinks these projects are a priority for Iraq and a priority for Afghanistan; otherwise, the President would not have included them in his emergency spending bill for the war. So I ask, why doesn't the President think the roads and bridges are a priority in our country, in the United States?

At the same time the President is waging war overseas, we are here trying to make sure our employers have workers, that our families have access to health care, that our children get a good education. Tuesday night an overwhelming majority of this Senate voted to spend $11 billion over the President's request on Labor, Health and Human Services and Education programs so we could do that. That bill we passed would invest in cutting-edge medical research for diseases such as Alzheimer's and diabetes and cancer, research that brings hope to millions of Americans. In taking that vote the other evening, a bipartisan group of Senators agreed to restore funds for education, for jobs training, for health systems, when President Bush would have left them to cope with yet another year of unfunded mandates and empty promises.

The children's health insurance bill that we approved earlier this year also is intended to help millions of our children. That bill, too, achieved a majority of support in the House and in the Senate but not from the President. Those bills would make Americans healthier and the economy more competitive. But the President disagrees. He says these programs are ''irresponsible and excessive.''

But guess what he proposes in his $196 billion request for Iraq and Afghanistan. He asks for $25 million for economic development projects to foster job creation—in Iraq. And $60 million to fund economic projects to sustain development in the tribal areas of Pakistan.

Let me say it another way. He plans to veto job creation and economic development right here at home, but he is asking us to spend millions of dollars in emergency funding on similar programs in Iraq and Afghanistan.

The President says $196 billion that he is requesting for the war is necessary to make our world safer. We believe we also need to invest more in safety here at home. Our bill funding Commerce, Justice and Science programs works hard to ensure that our communities have enough FBI agents and police on our streets here at home. Like the other programs we want to fund, that bill restores the cuts that the President had proposed. Few bills are as important to the safety of our communities as that one.

I am especially concerned that the President is threatening to veto that bill because of how it affects my home State and the Nation. Six years after 9/11, the administration still has not replaced 2,400 law enforcement agents across the country that it reassigned to counterterrorism after 9/11.

In my home State of Washington, we were hit very hard by that. According to an investigation by the Seattle Post-Intelligencer, our Seattle newspaper, we have a critical shortage of FBI agents: 2.1 agents for every 100,000 residents or about half the national average.

The shift to counterterrorism has left our law enforcement shorthanded. Local police and sheriffs told me that the FBI has ''virtually disappeared'' from white-collar crime investigations. They told me the FBI does not have the resources today to adequately staff antigang task forces.

Criminals have not stopped robbing our banks or dealing drugs or stealing identities. An amendment I included in that bill would take steps to get more FBI agents into my community and wherever they are needed.

But the President said he is going to veto that bill. In so doing, he is going to veto our amendment. If we can spend $10 billion a month for the war in Iraq, we should be willing to spend a fraction of that to ensure the security of our citizens at home.

Clearly, the President is the one who is being ''excessive'' and ''irresponsible.'' This might be an abstract debate about Federal funding for the President, but I think all of us know here it is about real people; it is about hard-working parents who are searching for a way to get health care for

their own families when it has not been provided by their employers. It is about citizens out of traffic jams, and ensuring that our roads and bridges are safe to drive on. It is about making sure the people we represent can trust that enough law enforcement officers will be there to fight crime in their neighborhoods.

When I travel around Washington State, people tell me they want hope and they want change. Whether it is the war in Iraq or gas prices or access to health insurance, people today feel a real weight on their shoulders. They are looking for a light at the end of the tunnel. By vetoing those important bills, and failing to invest in the safety, health, and economic future of all Americans, the President keeps putting out that light. We are investing $22 billion over last year in the future of our country.

I urge all of my colleagues to support these bills as we move forward on behalf of the millions of American children and families who would benefit. I hope the President is listening.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

IRAN

Mr. DURBIN. Mr. President, the bill before us is a very important bill for our country. It is the reauthorization of the Amtrak operation which serves Illinois and most of our Nation very well. It is one of the most successful modes of transportation in terms of growth in our country.

In the last year the ridership on Amtrak in Illinois has doubled. Doubled. That is an indication of a commitment, not only from the State of Illinois to make that happen, but also with the price of gasoline a lot of people are discovering the train again. They are back on those trains traveling between St. Louis and Chicago, Quincy and Chicago, Carbondale and Chicago, students, families, business people. That is a good thing.

I salute Senators Lautenberg and Lott for bringing this authorization bill to the floor. I definitely want it to pass as quickly as possible. I hope we will show the support for Amtrak which has been lacking for some time in the past but in the future needs to be there.

I want to discuss an amendment which I am going to offer which has nothing to do with Amtrak, and perhaps it will not be allowed at this moment in time in the debate. But I will offer it because I think it is timely, and I offer it because if it is not allowed on this bill at this time, I hope we will have a chance to bring it up in the very near future.

I can recall a little over 5 years ago, on the floor of the Senate, when we debated the invasion of Iraq. Those votes are historic and very personal. Members who were called on to make those decisions will never forget the anguish they face when they have to decide whether to send our Nation to war. We know it is the most important vote that can be cast. We know even under the best of circumstances Americans will die if we go to war. We hope our enemy will be vanquished, but we know that innocent people will also die.

A little over 5 years ago, that decision was made on the floor of the Senate to go forward with the invasion of Iraq. There were many of us who had serious misgivings about that decision. I was one of 23 Senators, 22 on the Democratic side, 1 on the Republican side, who voted against the authorization of military force.

I felt the President had not made a strong case for that invasion. I felt he did not have a sound plan for an invasion and a victory. I felt the American people had been misled; misled about Saddam Hussein, misled about weapons of mass destruction, misled about the impact of this almost unilateral invasion by the United States into Iraq.

Well, here we are in the fifth year of the war, over 3,800 Americans have been killed, 30,000 injured, more than 10,000 seriously injured, with amputations and serious burns, traumatic brain injury. With the President's latest request, the spending on the war in Iraq will reach three-quarters of a trillion dollars. In 5 years, three-quarters of a trillion dollars, $750 billion; money, which if spent in the United States on Amtrak, on medical research, on health care, on education, would have had a dramatic, historic impact, a positive impact on America.

But, no, it was spent in the course of a war that has no end in sight. Our men and women in uniform have shown extraordinary bravery and courage under amazing, trying circumstances in the civil war we never bargained for.

When we went to war in Iraq, the President said the reasons were clear: first, depose Saddam Hussein; second, to rid our world of his weapons of mass destruction; and, third, to protect threats against America's security.

Here we are almost 5 years later with Saddam Hussein gone, no weapons of mass destruction, and the only threat to America's security being the threat to our own soldiers and occupational forces in Iraq.

The debate seems to have moved from Iraq to another neighboring country, at least in the eyes of the White House, that is, the country of Iran. We continue to hear the most bellicose, warlike statements coming from the President and Vice President about the potential for the invasion of Iran.

Make no mistake, Iran cannot be ignored. It has fostered a foreign policy that supports some of the worst actors in the Middle East, from Hezbollah to Hamas. It is pursuing a nuclear program despite international condemnation. It has threatened to wipe our strong ally Israel off the map. There is plenty of evidence to suggest Iran is complicit in supplying training and materials for attacks against our soldiers in Iraq.

Senator GORDON SMITH of Oregon and I have introduced bipartisan legislation, the Iran Counterproliferation Act of 2007. It would tighten sanctions against Iran if it does not halt its nuclear programs. It stops short, clearly stops short, of calling for military action. That is the reason I come today.

I continue to be concerned that this administration is going to move too far, too fast, toward military action against Iran. The positioning of some of our battle forces, the statements from Vice President CHENEY and President Bush trouble me. They trouble me because in August the McClatchy Newspapers reported that the Vice President proposed U.S. air strikes inside Iran. Earlier this month, President Bush said if we were interested in avoiding World War III—these are his words, World War III—we ought to be concerned about preventing Iran from gaining the knowledge needed to produce nuclear weapons.

This week, Vice President CHENEY said, during an event in Lynchburg, Virginia, that the United States and others are ''prepared to impose serious consequences'' on Iran. This troubles me. If this administration believes it has some authority from Congress for the invasion of Iran, I challenge them to show me what that authority is. They certainly did not receive that authority with their authorization to use military force in Iraq. That was never even considered. There has been no action I am aware of since which would given them that authority.

If they think they have some inherent power to launch an invasion of another country such as Iran, they are clearly wrong, wrong because of this document, our Constitution. The Constitution makes clear in article I, section 8, that the power to declare war is vested in the American people through their elected representatives in Congress, in the House and in the Senate.

I come to the floor today to remind not only my colleagues but the administration that they have solemn constitutional responsibilities. Before they initiate any offensive action in Iran, they have to come to the Congress for the authority to do so. To do otherwise is, in my mind, not only reckless but clearly unconstitutional.

I want to take a moment to read this resolution I have proposed because it is very short. It is two sentences:

> The Senate hereby affirms that Article I, Section 8 of the Constitution of the United States vests in Congress all power to declare war.

And, paragraph 2:

> Any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

The wording is concise and limited, and I hope makes a clear point. That point is, the Constitution counts. This President, no President, has the authority for unilateral invasion of a country. Every President has the power to defend America and Americans. But to initiate an invasion of Iran at this point in our history would

be not only a terrible foreign policy mistake, but violate the constitutional processes we have set in place, a Constitution we have all sworn to uphold.

I understand that this bill, this Amtrak authorization bill, is hardly a bill to debate the constitutional authority to go to war or foreign policy on Iran, but I continue to be troubled day in and day out with statements by the President and Vice President to suggest that we are somehow preparing in any way, shape, or form for offensive military action in Iran.

I know my time is limited. I thank the sponsor of the legislation that is now pending, and the Republican minority leader on this committee.

I ask unanimous consent that the pending amendments be set aside so this amendment be might be called up, with the understanding that it is not likely to be allowed, but to let my colleagues know I am going to introduce this as separate legislation. I hope they will join me in cosponsoring it and join me as well in finding the first available venue and forum to raise this important constitutional issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, first, I thank the Senator for his comments about our efforts on the Amtrak legislation. This is the Amtrak legislation, and I do not think it is the place to have this debate he is proposing. He acknowledges such. In view of that, I would object.

The PRESIDING OFFICER. Objection is heard.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that at 3:15 today, the Senate proceed to vote in relation to the Sununu amendment No. 3446, with no amendment in order to the amendment prior to the vote; and that the 4 minutes immediately prior to the vote be divided as follows: 1 minute each for Senator LAUTENBERG, myself, and Senator LOTT, or our designees, and 2 minutes for Senator SUNUNU.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LOTT. Madam President, first, if I could clarify the agreement that was just enumerated here, at 3:15 then we will move to a vote on the pending Sununu amendment, and prior to that, it will give us a chance on both sides of the issue to make some brief remarks, and Senator SUNUNU will be back momentarily to make some comments and an explanation of his amendment.

The amendment would modify the bill's competition pilot program to allow an unlimited number of existing Amtrak routes to be open to competition from freight rails that seek to operate passenger trains in exchange for Amtrak's current subsidy.

We have worked on this issue before. Senator SUNUNU had this amendment the last time this bill came up. We worked out a compromise that is in the bill which is to have a pilot program. Philosophically, I am attracted to this amendment. I do think we ought to have competition. I think it makes sense maybe for the freight lines to provide this passenger service. But this is a major change in what is currently done. So rather than just leaping into this in an uncertain and an unknown way in terms of its impact, results, what would happen to Amtrak, how it would impact the service, the alternative is to go with what we worked out a couple years ago, and that is a competitive pilot program that would allow two routes a year—not two total; it is two a year—to get into this competitive pilot program area, see how it works, find out the details, assess the good and the bad and the costly which could come out of it. That is the preferred way to go. We do say we will have this for the life of the bill, which is a number of years, so it could be up to 10 or 12 routes that may be involved eventually.

This is a new concept, and we believe what we have outlined in the provisions of S. 294 will prescribe it in such a way that it won't cause problems and we can see if it works. It may work. I emphasize, this is something I may want to move toward in the future. But I want us to have a national rail passenger system, No. 1. I want us to quit starving Amtrak and then blasting them because they don't do better even though we know they don't have the money to do the job. I want us to give them clear instructions for reform and to evaluate routes and have better governance. We have put this in the bill. This will be a major plus for Amtrak, to give them more authority.

Some of these routes could be shut down. We had the earlier Sununu amendment that we think could have led to a pretty precipitous shutting down of six or eight of these long-distance routes in other parts of the country. That would have been a mistake. But I do think that, more than likely, over a period of 2 or 3 years, you can't defend an individual subsidy per passenger of $500 or $600.

More and more, as we make this a more attractive entity, deal with the capital needs, improve the trackage that is available for them to use, get better governance, then it will be more attractive for competition to come into play. Maybe States will have more operations, as well as the freight lines.

I understand the goal of Senator SUNUNU. I appreciate the fact that he is not one who has just been critical. He is engaged. He is thinking about it. He has some ideas. But I urge defeat of this amendment. Let's see how the pilot program works and then, in 4 or 5 years, evaluate what we have seen and perhaps do something more.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, we are examining an amendment offered by Senator SUNUNU. As we have just heard, we have been through this somewhat before. The amendment would open to privatization all of Amtrak's long-distance and corridor train routes and give Federal funding to private companies to do what Amtrak does with no additional contract oversight. We saw something with the British experience—that there is potential for disaster when you fully privatize a national railroad. In the UK, wholesale privatization of their rail line did not work. In the end, safety was compromised for profits, and several died in horrific train derailments.

Our bill does not allow a complete selloff of our entire national railroad. It does, however, provide a controlled procedure for competitive bidding on a limited number of routes. This competition will be allowed only under strong supervision by Federal regulators. The Federal Railroad Administration, which also overseas rail safety, will start by accepting bids from other railroads interested in running passenger trains for one to two train routes. This is an experiment to see if the Government can save any money by letting someone other than Amtrak try to run passenger train service.

Railroading in America is a complex operation. Most railroads currently in service can trace their roots back 150 years. There are comprehensive safety standards that must be met. There are laws that apply only to the railroad industry. You have to share limited infrastructure with other railroads. Wholesale privatization of Amtrak is not in our country's best interest. The traveling public relies on the expertise of American railroads for safe and efficient service.

Under our bill, a limited experiment can be attempted for competitive bidding with proper oversight. Expanding it by including the Sununu amendment, frankly, could be disastrous. It is hard to imagine that we would permit residents in a hospital or medical learning experience to go ahead and start doing surgery. Say take a couple of cases, we will examine them, and then we will go on to full-time operation with your skills. Meanwhile, you don't just throw the whole thing together and take a chance that you are right. We have included an opportunity for two of these competitive bids to take place in a year and see what the results are and then decide whether we go further, instead of throwing the whole works in there at one time.

For obvious reasons, I oppose this amendment. I urge my colleagues to vote against it. We are just now doing a whole reform of Amtrak. We are reducing operating costs as a requisite and doing much more to improve rail service. It is obvious that rail service is and has to be an essential part of our transportation infrastructure.

I oppose this amendment. I hope my colleagues will stand up and say: No, we are going to give Amtrak a chance to operate because we desperately need it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SUNUNU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Madam President, we will have a vote shortly on the second amendment I have offered. Senator LAUTENBERG just spoke a little bit about the amendment. I certainly want to clarify for the record what the intention of the amendment is and what its practical impact would be.

This is not a wholesale privatization of Amtrak—far from it. The provision in the legislation allows two routes under supervision, oversight as described by Senator LAUTENBERG, to be put out for competitive bid to see if there is another service provider that can run the trains on those routes, delivering better service at a better cost. That makes good sense—good sense for riders and taxpayers. It is not a wholesale privatization by any stretch, especially considering the supervision and oversight that would have to be in place for this competitive bidding process.

Senator LAUTENBERG used the phrase or description about this being a learning experience and you don't want to have people in a medical environment in a learning experience then suddenly asked to do major surgery. I think I understand what he was trying to suggest, but I listened to that phrase and it implies to a certain degree that the management team at Amtrak is a bunch of amateurs that can't be trusted. That is not the case at all. They understand these routes, the operation, the nature of the service they are providing. They are in the best position to help determine how routes should be put out for competitive bid. My amendment simply says there is no reason to limit the number to two. Why would we do that? Because we don't trust them? We don't think they will do a good job? We don't think they want to deliver good service at a competitive cost? Why would we limit them to two? My amendment would allow competition in more than two routes. It would not mandate it or require it. It wouldn't force anyone's hand. It simply would remove a very arbitrary limit on the number of routes that can be put out in a competitive bid to companies run more effectively and efficiently for riders and taxpayers. That is about as simple as you can get. It does make good sense. It doesn't destroy the system. It doesn't throw anyone out of work. It doesn't undermine the integrity of the reforms that are already in the bill by any stretch. I think it simply allows us to get an even better idea of whether those reforms have an impact.

Senator LAUTENBERG described a process where up to two routes, as allowed for in the bill, would be competitively bid. Then the managers at Amtrak would look to see how successful it was and be able to go from there. That isn't true. In fact, that is just what I am trying to deal with. They wouldn't be able to go from there because there is a limitation that they could only do two. So if they decided that this was very effective, they wouldn't be empowered to use this tool to even greater advantage without Congress coming back and changing the law and changing the statute. That is not going to happen anytime soon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. We have already seen how difficult it is to pass this bill as written. I encourage support for my amendment.

I yield back my time.

Mr. LAUTENBERG. Madam President, we ought to crawl before we walk, to use the old adage. We have to learn it firsthand without putting the whole thing at risk.

Mr. LOTT. Madam President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No, they have not.

Mr. LAUTENBERG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Mr. LOTT. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment, as modified.

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 California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), 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 Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WEBB). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 64, as follows:

[Rollcall Vote No. 396 Leg.]

YEAS—27

Alexander	Coburn	Kyl
Allard	Cornyn	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McConnell
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Sununu
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter

NAYS—64

Akaka	Feingold	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hutchison	Roberts
Brown	Inouye	Rockefeller
Byrd	Johnson	Salazar
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Smith
Casey	Landrieu	Snowe
Cochran	Lautenberg	Specter
Coleman	Leahy	Stabenow
Collins	Levin	Stevens
Conrad	Lincoln	Tester
Corker	Lott	Voinovich
Craig	McCaskill	Warner
Crapo	Menendez	Webb
Dole	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	
Durbin	Nelson (FL)	

NOT VOTING—9

Biden	Feinstein	Lieberman
Clinton	Gregg	McCain
Dodd	Kennedy	Obama

The amendment (No. 3456), as modified, was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator LAUTENBERG is here, chairman of the subcommittee. He is working with Senator MURRAY on a couple amendments. We have a couple amendments by Senator DEMINT that we have cleared. We are hoping we will have a chance to visit with Senator DEMINT or some of his representatives momentarily and maybe clear some other amendments. I thank Senator DEMINT for coming over. He actually came over with a block of nine amendments, and we are working through those. Some of them we can certainly accept. We will work through the rest.

Senator REID was very generous yesterday in agreeing that we wouldn't complete this bill until Senators had a chance to review it and come up with amendments, even as late as Tuesday morning, provided they were germane; otherwise, we could finish this bill this evening.

We have another issue that has been interjected; that is, the Internet tax issue. I know Members on both sides and the leadership are working out when and how we would get to vote on that important issue because next Thursday, if we don't come up with something, the Internet moratorium on taxes will expire November 1. We have to deal with the issue.

I call on my colleagues, if you have amendments of any kind on the Amtrak legislation, come over and offer

them. We will work through them this afternoon. I don't know what the leadership is going to decide with regard to votes later on this evening or tomorrow, but there will not be any votes on Monday, as previously announced by the leadership. So we will have to either deal with these amendments that might come up this afternoon or tomorrow or Tuesday.

After we dispose of the Internet tax, everybody needs to know that this bill can and should and will be finished before sundown Tuesday. That is what the leader, Senator REID, wants. That is what Senator MCCONNELL wishes to accommodate. It is my intent to work with Senator LAUTENBERG to drive this bill to conclusion. It is not controversial. What is in here is broadly supported. We had 93 votes last time. We may get more this time. Of the amendments that have been offered, the most an amendment has received was 27 votes. We are going to continue to look for ways to do even more that is positive for Amtrak. But we need to go ahead and be done with this next Tuesday.

I yield the floor to hear any remarks the chairman has.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Very briefly, I join Senator LOTT in telling our colleagues to come on down if they have something they want to put into this bill. We are on the edge of progress, and we ought to move ahead.

AMENDMENTS NOS. 3457, AS MODIFIED, AND 3459, AS MODIFIED

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up en bloc the Murray amendments Nos. 3457 and 3459 and ask unanimous consent that the amendments be modified with the changes at the desk; that the amendments, as modified, be considered and agreed to and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3457 and 3459), as modified, were agreed to, as follows:

AMENDMENT NO. 3457, AS MODIFIED

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than one year after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Transportation, the Secretary of Homeland Security, the Washington State Department of Transportation, and the owners of the relevant railroad infrastructure—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'');

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

AMENDMENT NO. 3459, AS MODIFIED

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 6 months after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the ''Coast Starlight''); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades''); and

(2) contains recommendations for improving the on-time performance of such routes.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENTS NOS. 3460 AND 3461

Mr. LOTT. Mr. President, on behalf of Senator DEMINT, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3460 and 3461.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report en bloc.

The bill clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. DEMINT, proposes en bloc amendments numbered 3460 and 3461.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments en bloc are as follows:

AMENDMENT NO. 3460

(Purpose: To ensure that capital investment grants authorized under section 24402 of title 49, United States Code, may be used for passenger rail infrastructure)

On page 63, line 9, insert '', infrastructure,'' after ''facilities''.

AMENDMENT NO. 3461

(Purpose: To direct the Government Accountability Office to conduct a study that compares passenger rail systems in certain developed countries)

At the end of title III, add the following:

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

Mr. LOTT. Mr. President, these amendments have been cleared on both sides. I, therefore, ask unanimous consent that the amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (Nos. 3460 and 3461) were agreed to.

Mr. LOTT. Mr. President, we do have two more amendments by Senator DEMINT that I think have been cleared, but we are waiting to have a chance to discuss with Senator DEMINT some of the other amendments. We are trying to get sort of an equal amount agreed to as we go forward. But we are trying to clear the deck of some of these amendments, and we are going to continue to work on that. Hopefully, we can dispose of another four or five amendments this afternoon even.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. 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. ALLARD pertaining to the introduction of S. 2241 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBPRIME FORECLOSURES

Mr. BROWN. Mr. President, today the Joint Economic Committee released a report highlighting the impact of subprime foreclosures on local economies. It confirmed what many of us know: When homes go into foreclosure, it is not just the homeowner and the tragedy to that family; whole communities suffer. When entire neighborhoods fall victim to foreclosures, communities are often devastated.

Today's report shows that in Ohio, there are more than 293,000 outstanding sub-prime loans—293,000 in a State of 11 million people, perhaps 3 million-plus households; 293,000 outstanding subprime loans. Every outstanding loan represents a family, an Ohio family, that is so close to losing their home.

The estimated loss of property value this year in Ohio is more than $3.7 billion. The estimated local tax loss, that is local government revenue all over the State, this year is more than $31 million. That is lost revenue needed to pay for firefighters, for schoolteachers, for police officers, and for rescue squad vehicles and their workers. That lost revenue means poorer service and less service for those communities already suffering from poverty and suffering from the foreclosures themselves.

Two years ago, when Hurricane Katrina's storm surge left thousands homeless, Congress and the American people leapt to respond. We were moved and ashamed by the images we saw in our newspapers and on television. We were moved by the images, and ashamed, frankly, by our Government's lack of response. Most of us could not believe this could happen in our country. Today, we are witnessing the economic equivalent of Katrina in the housing market—a slow moving storm surge that is leaving hundreds of thousands, perhaps millions, of people in this country without a home. They have lost their homes, they have lost their American dream. It started on Lake Erie rather than on Lake Pontchartrain, but it has spread to all corners of our country—from New York to the Presiding Officer's Florida, from California to Minnesota. As today's report shows, subprime lending doesn't just hurt families, it hurts entire communities.

Unfortunately, the response to date in some ways has been worse than Katrina. Regulators have been slow to use their authority to act, Congress has done next to nothing, and the President, as before with Katrina, made a speech and then moved on. The Treasury Department sprang into action when Wall Street was looking at losses, but it has not applied the same energy or commitment to the thousands upon thousands of families in Slavic Village, near Cleveland, in Columbus and Lima, in Mansfield and Marion, or Zanesville. Thousands and thousands of families in those communities are losing their homes.

Whole neighborhoods in Cleveland and Dayton and cities throughout the State are drowning in foreclosures. Things are going to get worse before they get better. We know that, because the adjustable rate mortgages are about to reset day after day, week after week, month after month in our communities. Almost every day the news brings more evidence of how widespread this problem has become for banks—losses in Merrill Lynch, layoffs at Bank of America, and huge layoffs at National City Bank in my State.

Even as National City announces the layoff of 1,000 people in Ohio, in the first 9 months of this year, since January, 100,000 foreclosure filings have already stacked up, with every county in our State contributing to that stack.

Home sales are down, prices are down, and problems are showing up in prime markets. But we have yet to see the worst of it. Resets of subprime adjustable rate mortgages will peak this fall, ease up a bit, and then skyrocket next fall. Throughout the time these mortgages were being made, underwriting standards fell further and further. So on top of the enormous volume of loans resetting over the next 12 to 15 months, the likelihood of all those 2–28 loans made in 2006 defaulting in 2008 is likely to get worse.

We are already in record territory when it comes to this year's loans, but we have made a start in addressing this crisis. The $200 million contained in the housing appropriations bill passed by the Senate must be maintained or increased in the bill sent to the President. And he must sign it. He must do something about this. That would be a major first step to helping those neighborhood organizations, those not-for-profits. There is a terrific one in Toledo, and several in my State and in the State of Florida too. It will matter to those people who are about to lose their homes. They are delinquent in their payments, perhaps because of the reset and a higher mortgage, or because their taxes and insurance were added when they didn't know they weren't included, or when they were simply deceived or betrayed by fraudulent mortgage brokers.

This $200 million is not a bailout. It is only to help them renegotiate their loans so their delinquencies won't turn into foreclosures. And the President, as I said, must sign this bill.

The regulators need to act and act quickly with strong protections for consumers, and Congress must act to codify and build on those protections. Mortgage bankers must be held accountable for their actions. They can no longer sell loans without regard to whether a borrower can afford to pay them back. And banks have to be responsible as well. Underwriting standards have to ensure that borrowers qualify at the real rate rather than the teaser rate. No more of that. Escrows have to be set up for subprime loans, as they are for prime loans, and put money aside for insurance and for taxes. No-document loans need to become a thing of the past.

Just because the subprime crisis is less visible than the destruction of a hurricane, it is no less damaging. All of us need to respond. Our response must be comprehensive and our response needs to happen now.

I yield the floor, and 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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida.) Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAYTAG PLANT CLOSING

Mr. HARKIN. Mr. President, tomorrow with the closing of the Maytag manufacturing plant in Newton, IA, a beloved Iowa institution and an icon in the history of industrial America will be gone forever.

The Maytag brand, synonymous with product quality and reliability, will still be attached to rebranded Whirlpool Corporation appliances, but do not be fooled, those products will no longer be made by loyal, skilled, experienced, Iowa workers. They will be made elsewhere.

This is a heartbreaking loss to the Newton community, Newton, IA, and a loss felt by people across my State of Iowa. Maytag was founded in Newton by Fredrick Louis Maytag, in 1893, as a manufacturer of farm equipment. Fourteen years later, the company introduced its first washing machine, which it produced during seasonal downturns in the farm implement business.

Newton soon became known as the washing machine capital of the world. By the time it was acquired by Whirlpool in 2006, Maytag Corporation was a $4.7 billion company with 18,000 employees worldwide.

But the center of its operations, the heart of its operations, was Newton, IA, with 2,800 employees. Now, it is all gone. Thousands of good-paying jobs and the economic foundation of an entire community.

For generations, Iowans eagerly went to work at Maytag, and Maytag was an integral part of the Newton community. Maytag workers helped to build a thriving local economy. The children of Maytag assembly line workers and the children of the Maytag executives all went to the same high-quality schools.

When children graduated from high school or from college, many came home to Newton to work at Maytag, either on the line or as executives. Together, workers and management at

Maytag built a wonderful community and a wonderful business. Now, in what seems like the blinking of an eye, Maytag is gone.

Why? Well, because it is cheaper to make appliances in foreign countries that pay their workers a pittance; that lack labor standards and environmental protections. Maytag management was seduced by the lure of lower wages; sent jobs from some of their plants to Mexico.

This, combined with unwise decisions by management to buy a variety of companies, significantly weakened Maytag's finances and their ability to invest in improvements to their own product lines. That made the company a takeover target.

It is a personal tragedy for the workers of Maytag and elsewhere who have lost good-paying jobs, but it is something else; it is a threat to the middle-class standard of living in this country, as displaced workers are obligated to accept lower paying jobs, often without health insurance or pension benefits.

According to a study by economists at Iowa State University, the average income in Jasper County, that is the home of Newton, the average income in Jasper County in 2005 was $34,400 a year, again, because of Maytag.

Without the Maytag jobs, the average income will drop by nearly $5,000. Let's be clear. As I said, washing machines made elsewhere will probably still carry the Maytag brand, but I will always say that the heart and soul of Maytag was the Newton community.

Richard Doak, a Des Moines Register columnist, was intervening a Maytag worker years ago when the company was hinting it might close the Newton plant. The worker stated:

> If that ever happens, it will be the end of Maytag, because the people of Newton are the essence of the company. We pump blue blood [said the worker, referring to the color of the Maytag logo.]

Daniel Krumm, the chief executive officer who transformed Maytag into a global company said that what he called the Newton ethic, was the key to the company's success. By the Newton ethic, he meant an entire community that was loyal to the company and took great pride in making products of the highest quality.

Unfortunately, some of Daniel Krumm's successors chose to betray the Newton ethic. Some of them chose to cash it in for cheaper products, and higher profits made outside the United States.

This story is all too familiar to skilled workers in the manufacturing sector in this country. You might wonder why I am on the floor talking about this on this Thursday, October 25. Because tomorrow, on Friday, Maytag will shutter its last plant and cease operations in Newton, IA. I worked as hard as I could to prevent the Whirlpool takeover of Maytag. I worked with State and local officials to prevent the closing of the plant in Newton. But in the end, regrettably, our efforts were unsuccessful.

Particularly, I wish to salute the tremendous effort of the officers, the plant committee, the department of stewards of United Auto Workers Local 997. Under the outstanding leadership of Ted Johnson, the local president, they have been on the frontlines throughout the crisis of Maytag, fighting to prevent the plant closure; when that failed, doing everything possible to help the displaced workers.

Tomorrow, Friday, will be a sad day in Newton, IA. But there is rebirth. Not all of the news from Newton is bad. The Newton ethic survives, and the Newton community is resilient. Two companies, Iowa Telecom and Caleris, plan to add more than 200 jobs in Newton by the end of the year.

Other businesses are expanding. Community leaders are coming together to develop a strategy to rebound from the loss of Maytag. I wish them every success, and I will stand ready to continue to assist in any way I can.

Another sad chapter in the continuing decline of our manufacturing base in America. Maytag. Who has not seen the ad about the Maytag repairman who has nothing to do because Maytag was such a good product?

Whether it is refrigerators or washing machines, home appliances, Maytag always stood for the best in quality. It was the best in quality because it was made by dedicated workers, skilled workers who took pride in their work. They made good livings. They were middle-class families. I said it was always a joy to go to Newton. It was wonderful to see the sons and daughters of assembly line workers going to the same school as the executives' kids, all working together, going to the same churches, belonging to the same clubs, going to the same bowling alleys, having this wonderful picnic every year, where the executives and their families and the workers and their families all were enjoying their annual picnic with their kids.

They took pride in the products they built. I do not think the people in some of these other countries will have that same kind of commitment. They are lower paid, they did not have the benefits. At some point, we have to take stock of what is happening to our manufacturing base in this country and what is happening to us in terms of a community and a business that can grow and evolve.

I know things change, and they have to change, but still, there is no reason, there is no reason why Maytag had to leave Newton. There were some bad business decisions made. But, again, it is chasing higher profits in the short term by shipping our jobs out overseas or to Mexico or to other countries.

And those short-term profits lead to long-term losses for the workers and their families and everyone else. So it is a sad day tomorrow in Newton and a sad day for all of us trying to work so hard to keep Maytag alive.

The PRESIDING OFFICER. The majority leader is recognized.

INTERNET TAX FREEDOM ACT AMENDMENTS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 429, H.R. 3678.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, reserving the right to object—and I certainly will not object—I just want to take a brief moment to say how pleased I am we are able to reach this bipartisan compromise. This package will extend the current Internet tax moratorium for 7 years—nearly twice as long as the bill passed over in the House of Representatives. This is a positive step in protecting American consumers from taxes on Internet access, taxes that strike at the heart of innovation and economic growth in America.

I particularly thank the distinguished Senator from New Hampshire for his skillful role in bringing this issue before the Senate, for pushing it aggressively, and getting, in my judgment, a much better solution to this problem than was achieved in the House of Representatives. I know he shares my view, and I assume the view of everyone in the Senate, that the House will simply take up the Sununu measure and pass it.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3466) was agreed to, as follows:

(Purpose: To amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Freedom Act Amendments Act of 2007''.

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking ''2007'' and inserting ''2014'', and

(2) in section 1104(a)(2)(A) by striking ''2007'' and inserting ''2014''.

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

''(c) APPLICATION OF DEFINITION.—

''(1) IN GENERAL.—Effective as of November 1, 2003—

''(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

''(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

''(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

''(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

''(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

''(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).''.

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking ''services'',

(2) by amending paragraph (5) to read as follows:

''(5) INTERNET ACCESS.—The term 'Internet access'—

''(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

''(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

''(i) to provide such service; or

''(ii) to otherwise enable users to access content, information or other services offered over the Internet;

''(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

''(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E)) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

''(E) includes a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.'',

(3) by amending paragraph (9) to read as follows:

''(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).'', and

(4) in paragraph (10) by adding at the end the following:

''(C) SPECIFIC EXCEPTION.—

''(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

''(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

''(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

''(III) is imposed on a broad range of business activity; and

''(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

''(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

''(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.''.

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''telecommunications services'' each place it appears and inserting ''telecommunications'', and

(2) in subsection (b)(2)—

(A) in the heading by striking ''SERVICES'',

(B) by striking ''such services'' and inserting ''such telecommunications'', and

(C) by inserting before the period at the end the following: ''or to otherwise enable users to access content, information or other services offered over the Internet''.

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

''(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.''.

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 3678), as amended, was passed.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I also want to express my appreciation for the diligent work of my friend from Delaware. Senator CARPER has worked on this issue for years. We have had a number of others who have been involved in this issue. Of course, the chairman of the committee, Senator INOUYE, has been very helpful during the day. We have had assistance from Senator ROCKEFELLER and Senator WYDEN, but I and the Senate owe a debt of gratitude for the work done by my friend from Delaware, working with our friend from New Hampshire.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

AMENDMENT NO. 3452 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the Sununu amendment No. 3452 be withdrawn and the cloture motion be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

A PRODUCTIVE WEEK

Mr. REID. Mr. President, there will be no votes tomorrow. We have announced long since that we would have no votes Monday. We have a lot we are going to do Tuesday, the first of which is to complete the work on the important Amtrak legislation. There has been great progress made on that today.

I think we have had an interesting week. We may not be happy with the results—I say that because some are happy, some are not—but it has been a productive week. It has been a week in which, in spite of the divisiveness of the issues before us, they have been handled in a very collegial way. There have been strong feelings expressed on both sides, but it has been done, I think, in a way that brings credit to the Senate.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, just briefly, a couple of other observations, I would say that I know it is the position of the Senator from New Hampshire—of course, he can speak for himself, but it is the position of the Senator from New Hampshire, myself, and many others that we make this moratorium permanent. I think that still ought to be our goal in the future.

With regard to the week that is now coming to a conclusion, I would have to state it has been quite a good week, with a number of achievements that

are important for the Senate and, in particular, the confirmation of Judge Southwick, which was not only important to the State of Mississippi but important to this institution, the Senate, in terms of how we are going to treat nominees in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, let me add a couple comments with respect to the legislation we just passed by unanimous consent.

The adoption of this legislation comes after a very tough negotiation that goes back not just a couple days or a couple weeks or a couple months but literally years, almost a decade. In tough negotiations, not everyone is happy. But I think the American people basically want us to figure out how to get work done. The American people look for us to set aside partisan differences, and they want to see some results.

My hope is, for the most part, they come to understand what we have done here tonight and realize the House still has to speak on this matter. The American people will, if not applaud the actual results, some of which are not easily understood, at least say: Well, on this matter, at least, the U.S. Senate figured out how to work together. A couple guys from small States got together, along with the help of a bunch of others, including Senators ALEXANDER and ENZI and VOINOVICH. I am grateful to them for all their good work on this too.

I think among the most important results that flow from the adoption of this legislation are, No. 1, we preserve the intent in the 1998 initial Internet moratorium legislation. What we wanted to do in 1998 was not to allow additional States and additional local governments to place a tax on access to the Internet, if you will, a tax on our AOL bills. That was part of the 1998 legislation that said for a handful of States—nine or so—that were already doing that, they were allowed to continue to do so but nobody else could pile on.

This legislation today makes sure we are not going to be allowing additional access taxes or additional taxes by State and local governments for access to the Internet. That protects the consumers, but it also does it in a way that I think is fair to the States. Because 3 years before the 1998 legislation was passed—3 years prior—in 1995, this same Congress passed legislation saying that the unfunded mandates were a bad idea, and that the Federal Government was not going to tell State and local governments how to spend their money without providing that money, the Federal Government was not going to take away the ability of State and local governments to raise money without providing for funds to make up for the shortfall.

What we have done is we have protected the States that are already deriving revenues from access taxes on the Internet. We said we are not going to allow, as we go forward with new innovations—for, if you will, telecom companies, telephone companies—we are not going to allow them to bundle services and begin to offer those bundled services—traditionally taxed by State and local governments, in some cases—and ship them over on the Internet to avoid all State and local taxes. So the States have spoken loudly: Do not take away our revenue base. We have been responsive to that.

As a Governor for 8 years in my State, and as, at one time, the chairman of the National Governors Association, I never liked it when the Federal Government came in and said: Spend your money this way or that way, without giving us the money. I never liked it when the Federal Government came in and said: We are going to take your ability to raise money away without providing for the shortfall. I think we are consistent here and true to the concerns that have been raised by State and local governments on that score.

The third thing we have done—I sort of alluded to it—the technology in this area continues to change dramatically. I like to kid, but I say 5 years ago I could not even spell VOIP, Voice Over Internet Protocol, which basically means sending telephone services over the Internet.

Actually, 5 years ago, the idea of being able to do that was, I think, a gleam in somebody's eye. Today it is common practice. Not only that, we have the ability to send something called IPTV, Internet Protocol TV, to send television signals over the Internet. In my State, we do not necessarily raise our revenues this way. But some places do. They raise some of the revenues for educational purposes, for paramedics, for fire services, for police services. They raise their revenues by taxing telephone services and cable services. It is inappropriate for us to come and say: You cannot do that, even as those services are somehow transferred and transmitted over the Internet.

So what we have done, by not making the moratorium permanent, is we have made sure we are going to come back and revisit this issue somewhere down the line. We say 7 years. The House says 4 years. We will have the opportunity and the requirement to come back and revisit this issue. If the technology changes—and it will. I can tell you one thing for sure, the technology that is in place today is not going to be same in 4, 5, 6, 7 years, just as it was not 4 or 5 or 6 or 7 years ago. It has continued to change. By virtue of this legislation, we will be better prepared for that change.

Again, I close with this: When I talk to people in our State, and in other States as well, when I hear about the low regard people have for the Congress and, frankly, for the administration—but we will stick with us right now—one of the things that people are most unhappy about is our seeming inability to work together, to hang in there, until we have been able to carve out, find a middle ground that is responsive to the concerns of most people. We have done that. It has not been easy, but we have been persistent, and I think ultimately—at least tonight, today—successful.

I am pleased to have been a part of this effort and to have had a chance to work with our Senators ALEXANDER, STEVENS, INOUYE, MCCAIN, and Senator SUNUNU.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Mr. President, I am pleased to be able to stand up tonight, after Senator CARPER, which is very appropriate, to talk about this success. The Senator from Delaware has described, I think very clearly, the strength of this legislation, the value of the legislation, and the importance of the legislation.

We really do have a responsibility to act in our role as a Congress to prevent Internet access taxes. Because this is a national—and, in fact, global—communications network. It is a national and global network for commerce and business as well. That is our responsibility under the Constitution to make sure there are not unnecessary, undue burdens on interstate commerce and trade.

So what we have done tonight is to take legislation that was passed in the House and really improve it dramatically. Senator MCCONNELL indicated we have nearly doubled the length. We added clarification language as to what could and could not be taxed, and how the grandfathered States that were taxing prior to 1998 would be treated.

We also added explicit language to make sure that Internet services, such as e-mail and instant messaging, could not be taxed. This is an important issue for me and many others, particularly Senator WYDEN from Oregon, who spoke about it today on the floor of the Senate.

It is important that consumers know that Internet access is not going to be taxed, first and foremost, because taxes raise the price of something. I do not think Congress wants to be in the position of allowing the price and the cost of Internet access for every consumer in America to go up. We do not want to be in the position of raising the cost of Internet access as well because it would affect the pace of investments and the incentives to make investments.

Anytime you tax something, you are going to get less of it. This ban on Internet taxes is extremely important. I would like to make the ban permanent. I think the time has come to make it permanent. After passing it in 1998, and extending it in 2001 and 2004, to look at yet another short-term extension does not seem to make as much sense to me as making the ban on access taxes permanent. But at the same

time, we need to recognize that a 7-year extension is the longest extension we have ever had, and that alone I think should make us very proud of the work that was done, and it was bipartisan.

A lot of members of the Commerce Committee worked very hard on this issue. Senator CARPER certainly spent a lot of time on this issue. We haven't always agreed on every aspect of the legislation, but we can agree, and we have agreed, on this 7-year extension tonight.

I do want to make special mention of Senator INOUYE, one of the Senators who was mentioned earlier as well. He is the chairman of the Commerce Committee. It was very frustrating to me that we never had a chance to vote on this legislation in the Commerce Committee, but he and his staff didn't stop working on the issue, and they put in a tremendous effort today to work through all of the details that are required. Even if it only takes the Senate 32 seconds to make a unanimous consent request to pass the final product, that 32 seconds has behind it hours and hours of work by many Members of the Senate and many more staff members. So I appreciate Senator INOUYE's work and the work of the staff as well.

I am pleased we are sending this to the House tonight, but also pleased to note that we are doing it before the expiration of the current moratorium. The last extension was passed in 2004 and expires on November 1, or next Thursday. It is not that often, unfortunately, that Congress does something in a fairly timely way. So to pass this legislation tonight in advance of that expiration date adds a little bit more satisfaction, knowing we did the right thing, and that we did it on time. I am pleased to support the legislation.

I yield the floor.

Mr. CARPER. Mr. President, let me take one more minute on this subject to also extend my thanks and compliments to our staffs. On my staff, Bill Ghent and Chris Prendergast worked long and hard for many hours. Our Commerce Committee staff, both Democrat and Republican, did a terrific job under the leadership of Senator INOUYE, and we are deeply grateful to him and to Senator STEVENS' staff for the wonderful work they did. The Commerce staff works in a way I wish every committee staff and subcommittee staff would—Democrat, Republican, majority, minority—it is almost seamless the way they approach almost every issue, including this one. I think one of the things that happens when you work like that is you get something done. While it is not unanimous acclaim for what we have done here, I think for the most part it is good work.

If we live to see what happens over in the House, hopefully we will be able to resolve our differences with them.

PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2007—Continued

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Delaware.

Mr. CARPER. Mr. President, the bill before us is the Amtrak reauthorization bill. Each year it seems we find ourselves fighting increasing gridlock on our highways, whether it is Iowa, Delaware, New Hampshire, or Vermont. We face growing threats of smog in our skies, polluted air, crowded conditions at our Nation's airports, and financial challenges facing our aviation industry. If we don't broaden our investment in transportation infrastructure across our Nation, we are headed for a crisis.

Each year an outfit called the Texas Transportation Institute releases something they call the Urban Mobility Report. It continues to show traffic congestion growing across our Nation in cities of all sizes, consuming more hours of the day and affecting more travelers and shipments of goods than ever before. The annual financial cost of traffic congestion has ballooned. In 1982 it was about $14 billion; today, $78 billion. There is a personal cost as well—the time lost to traffic.

The same Urban Mobility Report quantifies this loss at 4.2 billion lost hours. That is not commuting time. This is just sitting in traffic not going anywhere, 4.2 billion lost hours and almost 3 billion gallons of wasted fuel. That is the equivalent on the one hand of 105 million weeks of people's lives and 58 fully loaded supertankers.

Rail remains the most underdeveloped opportunity to reshape our national transportation network. Rail can efficiently move large numbers of people over moderate distances, anywhere from 100 to 400 miles, and requires a smaller right-of-way than highways.

I would also point out that to move a ton of freight from Boston, Massachusetts, to Washington, DC, takes about 1 gallon of diesel fuel. So in a time and age when we are worried about the amount of oil we are importing, 1 gallon of diesel fuel can move a ton of freight from Boston to Washington.

But with respect to corridors, this is important in densely populated areas where there is not much land available to support new infrastructure, and the land that is available is mighty expensive.

States are starting to put their own funding toward rail corridor development as well. Several are using rail to relieve congestion at airports by investing in rail service in connection with their airports, much like we have at BWI, just north of here near Baltimore, much like we have at Newark, NJ, and other places. But what they are doing is using rail service to make a connection with airports as a substitute for the spoke portion of a hub-and-spoke air journey.

Early success stories include rail service between Boston Airport and Portland, ME, as well as increased service from the Milwaukee Airport to the Chicago region.

More and more people are taking the train in our country, and there are a variety of reasons for that. Trains are convenient, they are comfortable, they are reliable. When you ride the train, you have bigger seats, you have more leg room. You can also use the phone and access the Internet. If you want a place that is quiet, you can go to the quiet car. If you want to eat, you can go to the dining car.

Amtrak used to have an ad campaign that said: ''Amtrak: The Civilized Way to Travel.'' Compared to some of the adventures I have had in airplanes in the last year, it surely is the civilized way to travel.

When you arrive at your destination, in many cases the train station is in the center of town as it is here; as it is in Wilmington and Philadelphia, and as it is in New York City and a lot of other places as well. On-time performance is not great, but it is on par with the airlines nationwide. But in the Northeast corridor where some of us live, the train is even more reliable. The Acela Express has an on-time performance of almost 90 percent—not 100 percent but pretty darn good.

As a result, Amtrak ridership is starting to break records. In fiscal year 2007, a record-breaking 25.8 million people rode Amtrak. Total ticket revenues increased about 11 percent over fiscal year 2006 to some $1.4 billion; still less than the cost of running the train, but still a hefty increase.

Ridership has increased across the Nation. The Acela Express has seen a 20-percent increase over last year and the Northeast corridor's regional trains are up as well. Outside of the Northeast corridor, interestingly, the Keystone Service train, the train between Harrisburg, PA, and Philadelphia and New York, experienced about a 21-percent increase in ridership; the Chicago-St. Louis corridor, 42 percent. California's Capitol Corridor, which is a train that runs from Auburn to San Jose, is up 15 percent, and the San Diego-San Luis Obispo Pacific Surfliner is up about 9 percent. I think what we need to do is to look at those corridors to see what is working and try to apply that to a whole lot of other Amtrak lines. What we do in this bill is just that.

The Passenger Rail Investment Improvement Act would require the Federal Railroad Administration to develop performance standards to evaluate the financial performance, on-time performance, and customer satisfaction of each Amtrak train.

Amtrak is then required to establish performance improvement plans for the five long-distance routes with their worst performance, including the worst financial performance. A year later, Amtrak must implement the plans and the Federal Railroad Administration may withhold funds for a route plan if the plan is not implemented. In future years, the remaining 10 long-distance

routes would undergo the same restructuring process.

Additionally, the Passenger Rail Investment and Improvement Act would require the Federal Railroad Administration to analyze Amtrak's routes and consider changes that would require cost recovery and on-time performance as well as address the transportation needs of communities that are not served by any other form of public transportation.

I expect when we analyze these long-distance train routes, we will find the factors that make a train—or any form of travel—appealing to travelers is the frequency, the reliability, and the travel time of that service. In the case of many of these long-distance trains, the train may only run a few days a week or at odd hours. I remember the first time my family and I—my mom, my sister, and I ever caught a train, we lived in Beckley, WV. We caught a train in a little nearby town called Prince where the train stopped. We caught the train about 3 o'clock in the morning. I was about 5 or 6 years old. We caught it at 3 o'clock in the morning. In a lot of places around the country, we have trains that are stopping at 3 o'clock in the morning, 2 o'clock in the morning, 1 o'clock in the morning, 4 or 5 o'clock in the morning. No wonder people don't want to ride those trains, especially when they show up about every 2 or 3 days. But on-time performance can be an issue because the tracks outside the Northeast corridor are not owned by Amtrak, they are owned by the railroad companies, and capacity on the freight rail lines is constrained by increasing demand to move more freight by rail. The freight is on the track. Amtrak sometimes gets in the way. The freight railroads want to move freight, not necessarily passengers. What this does is it indicates, to me at least, the need for additional investment in rail infrastructure—something we also address in this bill that is before us.

I think it is particularly remarkable how many States are investing in rail today when you consider the fact that the Federal Government provides no support. I learned when I served as Governor of Delaware that if we wanted to build in my State or to expand an airport, the Federal Government put up 80 percent of the funds—80 percent. The State would do 20. Building or expanding a highway or bridge in my State would also yield that same 80 percent support from the Federal Government. If we wanted to invest in transit, as we do, those funds were more competitive and hard to come by. The Federal Government would still pony up about 50 percent of the expense and the State would do the rest. But we wanted in my State to invest, and we do it smart, to invest in passenger rail, but that was the wisest investment for the dollar, for the buck. We got nothing from the Federal Government. The State had to put up 100 percent. Think about it. If you are the Governor of a State or you are running a State and you can get matching funds for highways, you can get 80 percent on transit projects, 80 percent from the Federal Government for money on airports, but you can get zero for a city passenger rail service, which one would you vote for or choose? The answer I think is pretty obvious—not necessarily the right decision, the smartest decision, but oftentimes that is the decision that is made. It makes no sense.

So the Passenger Rail Investment Improvement Act bill changes that. It authorizes some $1.7 billion over the life of this bill for a new State and capital grant program to support States that wish to provide new or improved inner city passenger rail. The Federal match is 80 percent—the same as highways, same as roads, same as airports. I believe this step will create a long-term, sustainable Federal funding mechanism for States investing in inner city passenger rail capacity, with the same kind of capital support we currently provide again for airports, highways, and transit.

Last Congress, the Senate passed the bill we have before us by a vote of 93 to 6. It was added as an amendment to an appropriations bill and passed 93 to 6. It died in conference. It was taken out, dropped. The Senate then overwhelmingly recognized the wisdom of our approach in bringing the Northeast corridor to a state of good repair, requiring reforms to the long-distance lines, allowing freight railroads to compete with Amtrak on their rail lines, the rail lines and the freights, and providing Federal support for capital rail investment, much as we do for highways, airports, and transit.

I urge my colleagues to show the same strong support for this bill when we reconvene next week so we can respond to our constituents' calls for more rail investment and more transportation options, especially where that makes sense.

Let me close, if I can, with this. Having served for 4 years on the Amtrak board, as Congressman, Senator, and Governor, being very much involved in the passenger rail service in my State and across the country, I am not interested in running trains for people who don't want to ride them. I don't think any of us are. I am not interested in the Federal Government providing inordinate subsidies for trains for folks who don't want to ride or for people who have other perfectly good options. If you think about it, in this country of ours, over half the people live within 50 miles of one of our coasts, over 50 percent of the people live 50 miles from one of our corridors. We have these densely populated corridors up and down the east coast, the gulf coast, the west coast. They were made to order for trains. Some of those long-distance trains make a lot of sense too.

A lot of businesses will pay good money, premium money for those trains. Folks will take a train south of here and go down to Orlando, put their car behind them on the train or minivan or whatever, and they pay good money for those trains. They actually make money. What we have to do is to figure out how to work differently, to meet the need that is out there, to work smarter. The legislation that is before us will do that.

I know the hour is late and you have places to go and so do I. Let me yield back the floor and I thank you all for your patience.

Mr. SPECTER. Mr. President, I seek recognition to offer my support for the Passenger Rail Investment and Improvement Act of 2007. This legislation authorizes Federal funds for Amtrak's capital and operating needs to maintain current operations, upgrade equipment, and return the Northeast corridor to a state of good repair.

Passenger rail is indispensable to our Nation's economy and quality of life. As our Nation's aviation and highway transportation systems become increasingly more unreliable or cost prohibitive due to flight delays, congestion, and rising fuel costs, a viable passenger rail alternative has become a vital component of the national transportation network. More travelers rely on Amtrak now than at any other point in the company's 36-year history. Not only is Amtrak an important option for travelers, but increased reliance on passenger rail has the potential to reduce our Nation's dependence on foreign oil and curb automobile emissions by attracting more would-be drivers into train cars.

This legislation would ensure the stability and solvency of our Nation's passenger rail transportation system, without which I believe we would be severely disadvantaged. In addition to authorizing a reliable stream of funding for Amtrak, the bill restructures Amtrak's debt to achieve savings, creates a new grant program for States to support rail improvement projects, and creates a new, bipartisan, nine-member Amtrak board of directors whose members must have either rail, transportation, or business background.

Additionally, I am pleased that the managers' package of amendments includes language which I sponsored requiring Amtrak to study and report to Congress on the infrastructure and equipment improvements necessary to achieve 2 hour and 30 minute Acela service from Washington, DC, to New York City and 3 hour and 15 minute Acela Service between New York City and Boston. The current trip times are 2 hours 45 minutes from New York City to Washington, DC, and 3 hours 30 minutes from New York City to Boston. I believe this study will provide a blueprint for the future of the Northeast corridor and will assist Amtrak in providing faster, more reliable service along this route.

Accordingly, as a longstanding supporter of Amtrak and a frequent passenger, I urge my colleagues to support this legislation.

Mr. INOUYE. Mr. President, I fully support S. 294, a bill that will finally

reauthorize Amtrak and make important changes to secure a prosperous future for intercity passenger rail in the United States. In a year when Amtrak faces yet another crisis, in part due to the administration's proposal to severely reduce Amtrak funding in an effort to restructure the railroad through bankruptcy, this bill is all the more necessary. Additionally, congestion delays at our airports and on our roads are making more and more travelers dependent on passenger rail. We need to ensure that our national passenger rail system is adequately prepared to accommodate this increased ridership.

I congratulate Senator LAUTENBERG and Senator LOTT for crafting this important bill, of which I am a cosponsor. This bill encourages the development of new rail corridors, provides incentives for Amtrak to operate more efficiently, and strengthens the relationship between Amtrak and the States in which it operates. This bill will also provide more transparency into Amtrak's operations and help Amtrak better control its costs. I believe that it will further fortify Amtrak as an important, necessary, and viable option in the United States' transportation landscape.

MORNING BUSINESS

Mr. CARPER. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR-HHS APPROPRIATIONS

Mr. MENENDEZ. Mr. President, I am in strong support of the fiscal year 2008 Labor, Health and Human Services appropriations bill. I thank the chairman of the Labor-HHS-Education Appropriations Subcommittee, Senator HARKIN, and the ranking member, Senator SPECTER, for their leadership in crafting this bill and ensuring some of our Nation's most critical priorities are adequately funded. I am proud that we have been able to negotiate a bipartisan appropriations bill that passed the Senate.

This bill is one of the most important funding bills that comes before us. It fulfills our responsibilities in key priorities, such as health care and education. With the passage of this legislation, we will be striking a significant departure from the administration's damaging trend of shortchanging our children, our schools, our workers, and our health. Instead of undermining education, abdicating our responsibilities on health care, weakening the rights of our workers, this bill will restore a commonsense balance to our values that we should expect from the greatest Nation in the world.

I would like to highlight a few areas in which this bill is especially successful and contrast them to the administration's misguided priorities.

While the President's budget zeroed out funding for mentoring programs under the Safe and Drug Free Schools Act—a program that is critical to keeping our children safe and off the streets—I am proud that this bill not only restores that funding, but increases it by more than $30 million.

As someone whose dreams of college could not have been realized without Pell grants and other Federal financial aid, I am pleased this bill follows through on the promise to increase Pell grants and restores funding for Perkins loans. These increases will mean that today's young people who come from families that cannot afford college on their own can still achieve their dreams. I know the power of this assistance. Without these programs, I would not have been the first in my family to graduate from college and law school. There are millions of students nationwide who are in the shoes I once was. They are waiting, hoping that there will be adequate financial aid to help them access college. And as tuition continues to increase, as grant aid under this president has shrunk, that challenge is getting anything but easier. In my home state of New Jersey, where the average tuition rose 7 percent since last year, 4-year public colleges are the second most expensive in the Nation. Our students need more, not less, grant aid if they are going to achieve their dreams. This bill sets us in the right direction.

Another program that is vital to students in New Jersey is vocational education. The vocational State grants are critical for the institutions in our state that are working to develop a workforce that is able to compete in today's global economy. New Jersey has some of the best vocational and technical education programs in the country. And while this President continually speaks about an educated and competitive workforce in the science, technology and math fields, he does not put his money where his mouth is. His budget would have cut vocational funding in half. Our bill restores those cuts.

This bill also restores cuts to education technology grants, which the President called for eliminating. These grants help ensure that our children have access to technology in the classroom. New Jersey alone would have lost $5 million next year under the President's cuts. In the global race to have the most trained, highly skilled, best prepared workforce, we are losing ground. The earlier we can introduce our young people to technology, to help them gain fluency in areas that involve technology, the better off they will be in an evolving and increasing technological world.

I am also pleased this bill increases funding for special education by more than $500 million. This funding is critical to ensuring children with disabilities have an equal opportunity to receive a good public education, just as other children.

And ensuring all children begin on an equal playing field means adequately funding Head Start, which this bill does. This legislation provides a $200 million increase for Head Start, which will help improve the school readiness of our young children to ensure they can get the skills necessary to succeed. Head Start provides child development, education, health care, nutrition, and socialization skills, all essential services that benefit more than nearly 1 million low-income children in this country.

This bill also helps our young people by expanding opportunities for them to learn trade skills. It provides a $15 million increase for YouthBuild, which helps young people learn constructing and housing skills and prepare for postsecondary training. This legislation also provides an increase of almost $82 million for Job Corps to help strengthen these centers that provide key job skills to young people.

In addition, this bill will help veterans transition to civilian life by providing a $5 million increase for employment and training services.

In terms of health care, this bill makes significant changes to the President's budget proposal and redefines our priorities as a Nation. Overall, the bill provides $68.1 billion in discretionary appropriations for Health and Human Services Department programs. This amount is $5 billion more than last year's level and $5.4 billion more that the administration's budget request.

The bill provides $250 million more for Community Health Centers and over $200 million for the National Center of Minority Health and Health Disparities to address the health care needs of our Nation's minority and underserved communities.

This bill will also provide almost $29.9 billion in funding for the National Institutes of Health, $1.3 billion more that the Bush administration's budget request. The Centers for Disease Control would also receive $6.4 billion under this bill which is $444 million more than the administration's request. It is imperative that we continue to invest in our Nation's health and research facilities as their work will save and improve the lives of millions of Americans.

I am proud that this bill also provides $8 million for the initial implementation of the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2005, which President Bush signed into law in 2005. I sponsored this legislation when I was in the House of Representatives in order to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment. This funding will help get people in to see a doctor before symptoms develop, so we can catch diseases such as cancer or diabetes early. Then we can get patients in to treatment early, which means

they'll have a better chance of survival and the health care costs will be lower. I know that this funding, and the health provisions in this Labor, Health and Human Services appropriations bill, will truly help to save lives.

This legislation is critical and makes a strong commitment to our Nation's future. This legislation will bolster our commitment to the education, health and well-being of our Nation's workforce.

TRIBUTE TO DIANE BAHRENBURG

Mr. LEAHY. Mr. President, I would like to pay tribute to one of Vermont's outstanding teachers, Diane Bahrenburg, who last month was named the 2008 Vermont Teacher of the Year. Diane is an English teacher at Colchester High School in Vermont, where she has taught since 1979. I recently had the opportunity to meet Diane in my Washington office, and I was impressed with her intellect, her passion for teaching, and her commitment to the students of Colchester High School. As we talked about her classes and students, it was evident how much Diane cares about teaching.

In being chosen as Vermont's Teacher of the Year, Diane will have the opportunity to visit schools throughout our State and others around the country. Her travels will allow her to work with other teachers, sharing and discussing the methods that have helped her become so successful. Hopefully she will share with all of us how she has been able to balance the everyday demands of teaching in the classroom, with the work she has done as an adjunct instructor at Johnson State College and UVM, acting as the Vermont debate-forensics lead coach at Colchester High School, and being a parent.

We all know that teaching is a hard job. And it is a crucial job an indispensable link between our young people and their futures, as well as our Nation's future. The opportunities for recognition of teachers' accomplishments are too few and too far between. So I am so pleased that Diane is being recognized for all she has done over three decades, day in and day out, to educate our children and to make a constructive difference, one child at a time. Teachers are the instrument by which we measure the success of our schools. The knowledge, skill, and experience of teachers like Diane are exactly what we need in each and every one of our classrooms.

We are fortunate in Vermont. I continue to be impressed by the high level of achievement of Vermont's students and the academic gains that have been made because of the strong and committed efforts of teachers like Diane. In spite of the countless hours spent sorting through the maze of No Child Left Behind requirements, our teachers are able to inspire students to look beyond tests and find the true lessons of the classroom.

As an alumnus of St. Michael's College in Vermont, I would be remiss if I failed to note that Diane received her master's in education degree from St. Michael's College in 2000. I believe that she embodies the core principles of the college's education programs with her skill in maintaining an inclusive classroom, while keeping a balance between challenge and support and between individual and community. Diane is a model teacher, and after decades of teaching, she is incredibly worthy of this recognition. Diane, again I say thank you for all that you do, and on behalf of the Senate, we say congratulations.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID TAWEI LEE

• Mr. BAUCUS. Mr. President, I would like to acknowledge the service of Representative David Tawei Lee, who has given nearly 3 years of exceptional service as Taiwan's principal representative to the United States. Representative Lee recently departed Washington, DC, to take on his next assignment as Taiwan's Representative to Canada. He leaves behind a legacy of friendship, prosperity, and understanding.

When Representative Lee arrived in Washington, he came equipped with a wealth of experience and insight. A foremost expert on U.S.-Taiwan relations, Mr. Lee has studied, written, and published on U.S.-Taiwan political and economic ties, including the development of the Taiwan Relations Act. I believe Representative Lee will be remembered not only for his excellent knowledge of history but also for his accomplishments.

While serving in Washington, Representative Lee dedicated his energy, intelligence, and spirit to expanding Taiwan-American ties. He raised the cultural and political profile of Taiwan and its people with cultural and education programs. To enhance our economic ties, Representative Lee oversaw the successful acceleration of our bilateral Trade and Investment Agreement talks. And he worked tirelessly to raise awareness of the benefits of a potential U.S.-Taiwan Free Trade Agreement. In these areas alone, he has left a legacy of which he should take pride.

Representative Lee's dedication and efforts were also felt far beyond our Nation's Capital. Three years ago, I was delighted to personally welcome Mr. Lee to my home State of Montana. There he witnessed Big Sky Country in all of its glory, making friends with hospitable and generous Montanans. But together we also saw the deep and healthy roots of the Montana-Taiwan economic relationship. At its core are Montana's finest agricultural products, which have long found their way to Taiwanese dinner tables and bakeries. Today, Taiwan purchases over 30 million bushels of Montana wheat annually. Our fine Montana beef is also in demand. This relationship benefits families in both Montana and Taiwan. And I hope it will continue to grow stronger.

It has truly been a pleasure to work with Representative Lee. His personal touch to everything he did will not be forgotten. And the value of his contributions will be remembered for many years to come. I wish him luck in all of his future endeavors.•

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I would like to take a moment to pay tribute to a group of 94 World War II veterans from Louisiana that is making its way to Washington this weekend. Here the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials as well as Arlington National Cemetery to lay a wreath at the Tomb of the Unknowns.

The trip to the Nation's Capital this Saturday is being sponsored by a group in Lafayette, LA, called Louisiana HonorAir. The organization is honoring each surviving World War II Louisiana veteran by giving them a chance to see the memorials dedicated to their service. So far this year, there have been three trips to these Washington memorials and two more are planned, including this one.

World War II was the deadliest conflict in our history. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war.

In Louisiana, there remain today about 44,000 living World War II veterans, and every one of them has their own heroic tale of their experience in achieving the noble victory of freedom over tyranny.

One of our veterans traveling for his first time to Washington is Frank Menard from Lafayette. Originally from Youngsville, he was drafted into the Army in 1942 at 21 years old and trained at Camp Claiborne in Rapides Parish. In 1943, he was sent to England as part of the Army's 101st Airborne Division, serving as a driver and a mechanic. He participated in many battles with the Nazis during his 3 years in Europe, including the Battle of Normandy, where an enemy artillery shell struck his truck, and the Battle of the Bulge, which severely crippled German forces. His French and German language skills helped him gather intelligence about enemy plans. During the Battle of the Bulge, he took a pregnant Belgian woman whose toes had been shot off by the Germans to an American hospital, saving her life. When he returned to Louisiana after the war, Frank used his mechanics skills to become a union electrician in Lake Charles and Lafayette, where he settled.

I ask the Senate to join me in honoring Frank Menard, the other 93 Louisiana heroes we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

IN HONOR OF REVEREND WALLACE S. HARTSFIELD

● Mrs. McCASKILL. Mr. President, I ask the Senate to join me today in honoring Rev. Dr. Wallace S. Hartsfield, a much-loved member of the Kansas City community. Reverend Hartsfield will soon retire after 40 years as the senior pastor of Metropolitan Missionary Baptist Church. He has served as Metropolitan's pastor since 1972 with the support of his wife Matilda and their four children. Prior to that, he held pastoral positions in South Carolina, Georgia, Florida, and Kansas.

Reverend Hartsfield's distinguished career in the ministry has touched thousands in Missouri. As the ambassador for his church, he has graced pulpits across the country bringing words of hope to the masses. He is a respected servant-leader of many organizations including the National Baptist Convention of America, Inc.; National Baptist Convention, USA; Congress of National Black Churches and the General Baptist State Convention of Missouri, Kansas, and Nebraska.

He has expanded his ministry as a community advocate. Reverend Hartsfield has spent much of his life speaking up for those whose voices are ignored on the subjects of civil rights, health care, education, crime and safety, and economic development. One of his bravest acts occurred in 1964 when five department stores in downtown Kansas City refused to allow African Americans to try on clothes, use the restrooms, drink at the water fountains, or eat at the lunch counters. Reverend Hartsfield organized a boycott and marched on the stores. Eventually African Americans were allowed to patronize these stores but it was not without the personal intervention of this inspirational leader.

His service has afforded him a seat at many tables where he has proven to be a skillful diplomat and a cunning negotiator. Reverend Hartsfield has worked on countless boards including those of the Jazz District Redevelopment Corporation, Greater Kansas City Community Foundation, Missouri Highway and Transportation Commission, and Kansas City Interfaith Council.

Reverend Hartsfield has a bachelor's degree in elementary education and minor degrees in religion and psychology from Clark College in Atlanta, GA. He also holds a bachelor and master of divinity from Gammon Theological Seminary in Atlanta. Dr. Hartsfield has served as an adjunct professor and guest lecturer at numerous colleges and universities across the Nation.

Reverend Hartsfield has been a mentor to many, from pastors to politicians. He continues to provide wise counsel to those who want to make a difference in the world. He also has the ability to identify hidden treasures in those who have not been afforded an opportunity to thrive. This precious gift has been the catalyst for many to realize their dreams.

For 40 years, the members of Metropolitan have been blessed to have this powerful leader at the helm. Reverend Hartsfield has worked hard and he has earned the opportunity to step back. However, we know his work is not yet done. He will continue shaping lives, communities and destinies for years to come.

During one of the many times he was honored for his good works it was said:

> Wallace Hartsfield does battle with all the dark forces that would keep us from knowing and loving one another. With his Bible and his passion for justice and his rock-ribbed integrity, Reverend Wallace Hartsfield leads us to the high moral ground where all God's children sit down together as family at the table of peace and delight.

No truer words could be spoken.●

REMEMBERING WYNN SPEECE

● Mr. THUNE. Mr. President, today I recognize the passing of Wynn Speece. Wynn passed away on October 22, at Avera Sacred Heart Hospital in Yankton, SD, at the age of 90.

Many will remember Wynn as the ''Neighbor Lady'' from her WNAX talk radio show. For 64 years her voice came into the homes of countless Midwestern families. Her household tips, recipes, and personal anecdotes will be missed not only by South Dakotans but also by her many listeners throughout the Midwestern region.

Wynn grew up in Marshalltown, IA, where she took a special interest in home economics and theater. Upon her graduation from high school, she continued her education at Drake University where she majored in speech with a broadcasting emphasis. After her graduation in 1939, she took a job writing commercials for WNAX in Yankton, SD. It took 2 years of writing before WNAX gave Wynn her very own show. From the first show she was an instant success, and that success would follow the ''Neighbor Lady'' for the next 64 years.

Wynn won several awards for outstanding radio work. She was presented with the prestigious Marconi Award for ''Best Small-Market Radio Personality'' and was named one of the top 10 Yankton citizens of the 20th century by the Yankton Press and Dakotan. Not only was Wynn a celebrated radio host, but she also worked hard to make a positive impact on the community of Yankton. Her local involvement and selfless giving earned Wynn the 1991 Yankton Community Citizen of the Year Award.

Wynn Speece was an extraordinary woman and a great South Dakotan who will be greatly missed by all who knew her.●

REMEMBERING CAROLE HILLARD

● Mr. THUNE. Mr. President, today I recognize the passing of Carole Hillard, former Lieutenant Governor of South Dakota. Carole Hillard was a gracious woman with an authentic and deeply held passion for public service.

Ms. Hillard was born August 14, 1936, in Deadwood, SD. She attended the University of Arizona and received a degree in education in 1957. She received a master's degree in education from South Dakota State University in 1982 and a master's degree in political science from the University of South Dakota in 1984.

As the mother of five children, David, Sue Ellen, Todd, Eddie, and Lornell, she possessed the practical knowledge to connect with the needs of South Dakotans as she served on the South Dakota Board of Charities and Corrections, the Rapid City United Way Campaign, the South Dakota Children's Home Society, and as the first woman president of the Rapid City Council.

She was elected to the South Dakota House of Representatives in 1991 and served until 1994, at which point she became the first female Lieutenant Governor in South Dakota. From 1995 until 2003, Ms. Hillard graciously presided over the Senate and memorably seemed initially surprised when State Senators on the Senate floor formally referred to her as ''Madam President.'' Her career in public service and the impact she had did not go unnoticed, as she won many awards in her lifetime, including the 1987 Public Service Award, the 1988 Governor's Outstanding Citizen Award, the 1993 South Dakota Outstanding Women Award, and induction into the South Dakota Hall of Fame in 2007.

Not only has she accomplished much for the State of South Dakota but she has also accomplished much on the international level. In recent years, Carole Hillard was an international consultant traveling on behalf of the U.S. Department of State. Ms. Hillard completed assignments to 67 countries such as Panama, the Czech Republic, San Salvador, Bosnia, and Africa. Recently, she also helped bring to life a skill-building workshop for residents of Kabul, Afghanistan, and supervised the January 2007 elections in the West Bank.

Carole Hillard's life accomplishments are truly remarkable. Her positive outlook on life, her integrity, and her warm personality truly embodied a woman whose passion was the betterment of humankind. While Ms. Hillard is no longer with us, her legacy of service to the people of South Dakota and her diligent work on the promotion of democracy and economic development will not be forgotten.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on October 24, 2007, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

Under the authority of the order of the Senate of January 4, 2007, the enrolled bill was signed on October 24, 2007, during the adjournment of the Senate, by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 1:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 1483. An act 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.

At 5:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1483. An act 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; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

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.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 505. An act to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

H.R. 3963. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes.

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes (Rept. No. 110–206).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment and with an amended preamble:

S. Res. 346. A resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 347. A resolution designating May 2008 as ''National Be Bear Aware and Wildlife Stewardship Month''.

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. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. ALEXANDER, and Mr. CORKER):

S. 2233. A bill to provide a permanent deduction for States and local general sales taxes; read the first time.

By Mr. CORNYN (for himself and Mr. ROBERTS):

S. 2234. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; read the first time.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 2235. A bill to designate the facility under development by the Stanislaus Ag Center Foundation, in Stanislaus County, California, as the National Ag Science Center; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 2236. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. INOUYE, and Mr. SPECTER):

S. 2238. A bill to amend the National Dam Safety Program Act to establish a program to provide grant assistance to States for the rehabilitation and repair of deficient dams; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 2242. An original bill to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance .

By Mr. DURBIN:

S. 2245. A bill to establish a commission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. SANDERS):

S. Res. 356. A resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 367

At the request of Mr. DORGAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 450

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 591

At the request of Mr. CHAMBLISS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 591, a bill to amend the Food Stamp Act of 1977 to adjust for inflation the allowable amounts of financial resources of eligible households and to exclude from countable financial resources certain retirement and education accounts.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 906

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1161

At the request of Mr. CRAIG, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 1161, a bill to amend title XVIII of the Social Security Act to authorize the expansion of medicare coverage of medical nutrition therapy services.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1275

At the request of Mr. SCHUMER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1275, a bill to amend the Public Health Service Act and title XIX of the Social Security Act to provide for a screening and treatment program for prostate cancer in the same manner as is provided for breast and cervical cancer.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1382

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1843

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

At the request of Mr. MENENDEZ, his name was added as a cosponsor of S. 1843, supra.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1946

At the request of Mr. LEAHY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1946, a bill to help Federal prosecutors and investigators combat public corruption by strengthening and clarifying the law.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 2033

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2033, a bill to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service.

S. 2054

At the request of Mr. BROWN, his name was added as a cosponsor of S.

2054, a bill to authorize the Secretary of Housing and Urban Development to make grants to assist cities with a vacant housing problem, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2070

At the request of Mr. DEMINT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2070, a bill to prevent Government shutdowns.

S. 2099

At the request of Mr. SALAZAR, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2099, a bill to amend title XVIII of the Social Security Act to repeal the Medicare competitive bidding project for clinical laboratory services.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) 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 Maryland (Ms. MIKULSKI) 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. 2170

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2170, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of qualified restaurant property as 15-year property for purposes of the depreciation deduction.

S. 2172

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. 2187

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2187, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes.

S. 2228

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2228, a bill to extend and improve agricultural programs, and for other purposes.

S.J. RES. 22

At the request of Mr. BAUCUS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

At the request of Mr. CRAPO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S.J. Res. 22, supra.

S. CON. RES. 51

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. Con. Res. 51, a concurrent resolution supporting ''Lights On Afterschool!'', a national celebration of after school programs.

S. RES. 346

At the request of Mr. INHOFE, his name was added as a cosponsor of S. Res. 346, a resolution expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, and for other purposes.

AMENDMENT NO. 2631

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 2631 proposed to H.R. 976, an act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2229. A bill to withdraw certain Federal land in the Wyoming Range from leasing and provide an opportunity to retire certain leases in the Wyoming Range; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I rise because today is Wyoming's day, literally. It is a long awaited day, a day that is special, a day that is as special as the mountain range that this day centers on, and as special as the State for which this mountain range is named.

This is a day of which I am proud to be a part, joining with the strong majority of Wyoming people who want the legislation I am introducing. It is the Wyoming Range Legacy Act of 2007.

Energy development is a proud part of Wyoming, and it is an important part of our Nation. But equal to that energy heritage is tourism and recreation—also a proud part of Wyoming and an important part of this Nation.

Wyoming is special. Reflecting both aspects of our economy, our people want a special balance between two of our top industries: energy and tourism and recreation.

Some of Wyoming's significant and important energy contributions to this great Nation encompass thousands of acres for our natural gas and energy fields. Meanwhile, independent and strong stands an isolated mountain range 100 miles long and 12,000 feet high. This range is named for our great State. It is that independent and wild mountain range—the Wyoming Range—that I want to focus on today, and well into the future, for the best future for Wyoming and for our people.

As leaders, there are things we do, defining actions, actions that go well beyond everyday issues. They surmount the daily noise and the disagreements, and they rise to the level of something else: It is to doing the right thing.

Today goes beyond the average day for Wyoming. As I said, today is Wyoming's day. It is a great day because it is today that a bill is introduced that will keep this special place on the map for tourism, for recreation, and for sportsmen forever.

We, as a State—the Governor and I—come together, cooperatively, to join in the memory of our dear friend Craig Thomas to finish his work, to keep and enhance the tourism, recreation, hunting, and sportsmen economy of the Wyoming Range, to preserve a key part of Wyoming's heritage.

This legislation, this initiative Craig Thomas was ready to introduce the week he passed goes to the very heart and soul of the great State of Wyoming. Indeed, this is a place where the heart and the soul of Wyoming run free and run wild.

This is 1.2 million acres for Wyoming tourism, sportsmen, and recreationists. This will mean that new, future leasing for oil and gas will be welcomed elsewhere in the State, and the Wyoming Range will remain in the recreational-based economy that now exists.

For those leases that have already been issued, this legislation provides a process for groups or individuals who are focused on conservation to buy back the value of those leases under voluntary purchase, and then retire them forever.

We all must recognize that the issued leases do have a value because they are

now legal property. At the same time, we can encourage all at the table—leaders, conservationists, and the private sector—to work toward doing the right thing. That process is now appropriately outside of the legislation and is ongoing.

For the recently issued leases that amount to some 44,000 acres, I have great confidence we will be able to work out creative solutions with respect on all sides.

But let us look at the bigger picture in this bill, with emphasis on an important, central point: What was the last bold move for Wyoming tourism? I proudly say, 1.2 million acres for Wyoming tourism, for Wyoming sportsmen, and for Wyoming outfitters and guides—all of whom contribute millions to our economy.

This is not a bill that ''locks up'' land. To the contrary, it is a bill for economic prosperity, for recreation, and for tourism. What we do in this important piece of legislation is to recognize an economic base and then enhance it. Let me repeat—because this is a very important point—we are taking the existing economic base and enhancing it in the Wyoming Range.

The Wyoming Range is a recreational-based economic zone. Yes, there are symbolic reasons for this initiative. It is the Wyoming Range, after all. But there is hard math at the core of this legislation. Tourism and recreation in our Wyoming economy matters. And doing the right thing matters. It matters for future generations of Wyoming people who will someday hunt and fish and hike in these mountains. It is also a place where Wyoming's agricultural industry has thrived for years. With this legislation, grazing and Wyoming's cowboy heritage will continue to thrive.

I want to read you something from 1961 that still applies very much today. It goes to the heart of maintaining proper balance and multiple use of our land:

> Another factor in maintaining balance involves the element of time. As we peer into society's future, we—you and I, and our government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without asking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

Those words were spoken by President Dwight Eisenhower in his final address as he left the Presidency. The children who were listening to his words back then are now grown and have grandchildren of their own.

The Wyoming Range—the range named for our beloved State—has symbolic meaning, inherent values. It is the heart and the soul of a great State, a spiritual heritage, now a physical reality.

Mr. President, today is Wyoming's day, for the Wyoming range, and for the people who love it.

By Mr. BIDEN:

S. 2230. A bill to amend title VIII of the Public Health Service Act to expand the nurse student loan program, to establish grant programs to address the nursing shortage, to amend title VII of the Higher Education Act of 1965 to provide for a nurse faculty pilot project, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, today I am honored to introduce the Nursing Education Opportunities Act. This bill seeks to help alleviate both the nursing shortage faced in hospitals and clinics throughout the country, as well as the faculty shortage in nursing schools that constrains the number of new nurses who can be trained to fill the vacancies in our health facilities.

As most people who have heard me talk about health care know, nurses have a soft spot in my heart. In 1987, I was stricken with a brain aneurysm and spent months recovering at Walter Reed Hospital. The surgeons who operated on me were spectacular and I can never thank them enough. But the nurses who took care of me during my stay at Walter Reed were the embodiment of absolute comfort and unquestioning kindness. Along with the top notch medical care they provided me, the nurses at Walter Reed literally breathed life back into my lungs, washed me, brushed my teeth and went on search missions for the most comfortable pillows available. As I often say, if there are any angels in heaven, they must be nurses.

Unfortunately, right now our country is facing a nursing shortage. The American Hospital Association reported in July 2007 that United States hospitals had an estimated 116,000 registered nurse vacancies as of December 2006. Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing, AACN, the U.S. nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies, approximately 53.7 percent, were faculty positions requiring a doctoral degree.

The average ages of doctorally prepared nurse faculty holding the ranks of professor, associate professor and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade. In fact, in 2007 the Association of Academic Health Centers surveyed chief executive officers from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

To address this nurse faculty shortage and to get more nurses trained, this bill provides three mechanisms to increase the number of and access to nurse faculty.

First, the bill establishes a grant program to help schools establish doctoral nursing programs. Right now, there are 8 States, including my home State of Delaware, which do not have a doctoral nursing program in their State. This bill allows eligible schools to receive a grant up to $2,000,000 to be used to establish a doctoral degree program. The funds can be used to hire administrators, faculty and staff; retain current faculty; develop doctoral curriculum; repair and expand infrastructures; purchase additional equipment; develop and enhance clinical laboratories; recruit students; establish technology infrastructures; and other investments deemed necessary.

Second, this bill establishes a doctoral nursing consortia pilot project to provide grants to partnerships of schools to allow them to share doctoral faculty and programmatic resources. This would allow schools with a shortage of faculty at the doctoral level to partner with other schools to provide proper education for their students. These grants can be awarded up to $500,000 and can be used to establish technology infrastructures; develop shared doctoral curriculum; hire faculty and staff; retain current faculty; provide travel stipends for nursing faculty who agree to teach nursing courses at consortium schools; provide scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral curriculum; provide collaborative networks for nursing research; and other investments determined necessary.

Third, I am pleased to include a nurse faculty pilot project that was part of the Nurse Faculty Higher Education Act introduced in the House of Representatives by Representative CAROLYN MCCARTHY. This pilot project would provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees so they can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty. In short, this will make it easier for nurses to pursue an advanced degree by allowing them to work part time and retain some of their salary. Many nurses currently cannot afford to leave their jobs to go back to school because they would lose their salaries.

In addition to these three provisions, the bill also amends the Public Health Service Act to provide that, in the case of a nurse faculty shortage, the Secretary of Health and Human Services

may obligate more than 10 percent of traineeships through the Advanced Education Nursing Grants for individuals in doctoral degree nursing programs. This is important to help advance nursing education and allow greater funding opportunities for doctoral students.

But while this bill focuses heavily on increasing the number of nurse faculty to allow nursing schools to train more nurses, it also seeks to help nursing students as well.

First, the bill explicitly includes accelerated degree nursing students as eligible for financial assistance through nursing programs in the Public Health Service Act, including the Nursing Student Loan Program. To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. Students in accelerated degree programs are those with a baccalaureate degree in another field who have decided to return to school to get a degree in nursing. The students in these programs have difficulty securing federal funding as this program category is not easily defined. Accelerated nursing degree programs are not typical 4-year baccalaureate degree programs, as they take between 1 and 2 years to complete. However, they are becoming increasingly popular. In 2005, these programs graduated 3,769 students. In 2006 they graduated 5,236—an additional 1,467 nursing graduates in a single year. Hospitals and other health facilities like hiring graduates from accelerated nursing degree programs because they often have demonstrated a record of success and work-ethic that facilitates a more rapid and smooth transition in to the highly complex health care environment. Accelerated nursing degree students are a critical element to meeting this country's nursing needs.

Additionally, it is time to raise the yearly loan amounts available to all nursing students through the Nursing Student Loan Program. This important program, which provides long-term, low interest-rate loans to full-time and half-time financially needy students pursuing a course of study leading to a diploma, associate, baccalaureate or graduate degree in nursing, has not adjusted the maximum yearly loan amounts available for over a decade. Currently, a student can receive a maximum yearly loan of $2,500 for their first 2 years in a nursing school and $4,000 per year during their second 2 years. This bill would adjust these totals to $4,400 in the first 2 years and $7,000 in the second 2 years, respectively. It is time to raise the yearly loan amounts, as the cost of tuition at nursing schools has increased substantially over the past decade.

It is imperative that we in Congress act to help alleviate the nursing shortage and the nurse faculty shortage in this country. Nurses comprise the largest segment of health care providers in this country and they are crucial in ensuring the quality of care that Americans receive. I believe the initiatives contained in the Nursing Education Opportunities Act can help reduce these shortages. The American Academy of Nursing, American Association of Colleges of Nursing, American Nephrology Nurses' Association, American Nurses Association, American Organization of Nurse Executives, Association of Women's Health, Obstetric and Neonatal Nurses and the National League for Nursing all support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2230

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 ''Nursing Education Opportunities Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The American Hospital Association reported in July 2007 that United States hospitals need approximately 116,000 registered nurses to fill vacant positions nationwide.

(2) To address the shortage of qualified nurses, schools of nursing have developed accelerated, second-baccalaureate degree programs in nursing. In 2005, these programs graduated 3,769 students. The number of accelerated degree graduates in 2006 was 5,236. This is an additional 1,467 nursing graduates in 1 year.

(3) Despite the nurse shortage and efforts to increase the pool of qualified nurses, schools of nursing struggle to increase student capacity. According to the American Association of Colleges of Nursing (referred to in this Act as the ''AACN''), United States nursing schools turned away nearly 43,000 qualified applicants in 2006 primarily due to an insufficient number of faculty.

(4) The AACN reported in July 2006, a total of 637 faculty vacancies at 329 nursing schools with baccalaureate or graduate programs, or both, across the Nation. Besides the vacancies, schools cited the need to create an additional 55 faculty positions to accommodate student demand. Most of the vacancies (53.7 percent) were faculty positions requiring a doctoral degree.

(5) In 2007, the Association of Academic Health Centers surveyed chief executive officers (CEOs) from academic health centers regarding faculty shortages across various health professions. The CEOs rated the nursing faculty shortage as the most severe of all health professions with 81 percent noting the nursing faculty shortage as a problem.

(6) The average ages of doctorally-prepared nurse faculty holding the ranks of professor, associate professor, and assistant professor are 58.6, 55.8, and 51.6 years, respectively. Considering the average age of nurse faculty at retirement is 62.5 years, a wave of nurse faculty retirements is expected in the next decade.

(7) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the demand. In 2006, the AACN found that graduations from doctoral nursing programs were up by only 1.4 percent from the previous academic year.

(8) Nurses are vital to the Nation's health care delivery system. Due to the nurse shortage, patient safety and quality of care are at risk. Given the findings described in paragraphs (1) through (7), measures must be taken to address the nurse shortage and nursing faculty shortage.

SEC. 3. NURSING STUDENT LOAN PROGRAM.

Title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) in section 835(b)(4), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)'' after ''graduate degree in nursing''; and

(2) in section 836—

(A) in subsection (a)—

(i) by striking ''$2,500'' and inserting ''$4,400'';

(ii) by striking ''$4,000'' and inserting ''$7,000''; and

(iii) by striking ''$13,000'' and inserting ''$22,900''; and

(B) in subsection (b)—

(i) in paragraph (1), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree or a master's degree as an entry level nursing degree)'' after ''graduate degree in nursing''; and

(ii) in paragraph (2), by inserting ''(including a student in an accelerated nursing degree program who is pursuing a second baccalaureate degree)'' after ''equivalent degree''.

SEC. 4. ACCELERATED NURSING DEGREE PROGRAMS.

Section 801(3) of the Public Health Service Act (42 U.S.C. 296(3)) is amended by inserting ''(including an accelerated nursing degree program)'' before ''and including''.

SEC. 5. ADVANCED EDUCATION NURSING GRANTS.

Section 811(f)(2) of the Public Health Service Act (42 U.S.C. 296j(f)(2)) is amended by striking the period at the end and inserting '', except in the case of a nurse faculty shortage, the Secretary may, in the Secretary's discretion, obligate more than 10 percent of such traineeships for individuals in doctoral degree programs.''.

SEC. 6. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

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. GRANT PROGRAM FOR DOCTORAL NURSING PROGRAMS.

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to enable the eligible entities to establish doctoral nursing degree programs.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an entity that is 1 of the 'eligible entities' as such term is defined in section 801.

''(c) APPLICATION.—An eligible entity that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(d) SELECTION OF GRANT RECIPIENTS.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients. In awarding grants under this section, the Secretary shall consider the following:

''(1) DOCTORAL NURSING PROGRAM DISTRIBUTION.—Providing priority to eligible entities located in States in which there are no doctoral nursing degree programs.

''(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

''(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Whether the eligible entity has demonstrated—

''(A) prior experience in, or exceptional programs for, the preparation of baccalaureate prepared nurses or master's prepared nurses; and

''(B) an interest in establishing a doctoral nursing degree program.

''(e) GRANT AMOUNT.—Each grant awarded under this section shall be equal to not more than $2,000,000.

''(f) GRANT DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

''(g) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to establish a doctoral nursing degree program, including—

''(1) hiring administrators, faculty, and staff;

''(2) retaining current faculty;

''(3) developing doctoral curriculum;

''(4) repairing and expanding infrastructures;

''(5) purchasing educational equipment;

''(6) developing and enhancing clinical laboratories;

''(7) recruiting students;

''(8) establishing technology infrastructures; and

''(9) other investments determined necessary by the eligible entity for the development of a doctoral nursing degree program.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $40,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 7. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.), as amended by section 6, is further amended by adding at the end the following:

''SEC. 833. DOCTORAL NURSING CONSORTIA PILOT PROJECT.

''(a) PURPOSE.—The purpose of the pilot project under this section is to provide grants to partnerships of eligible entities to establish consortia to enhance and expand the availability of doctoral nurse faculty and education by enabling the partners involved to share doctoral faculty and programmatic resources so that the nursing faculty shortage does not further inhibit the preparation of future nurses or nurse faculty.

''(b) IN GENERAL.—The Secretary shall award grants to partnerships of eligible entities to enable the partnerships to establish doctoral nursing consortia.

''(c) DEFINITIONS.—In this section:

''(1) DOCTORAL NURSING CONSORTIUM.—The term 'doctoral nursing consortium' means a partnership that includes 2 or more of—

''(A) eligible entities within the same State;

''(B) eligible entities within different States; or

''(C) eligible entities establishing a doctoral nursing program.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' has the meaning given the term in section 832(b).

''(d) APPLICATION.—A partnership of eligible entities that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such partnership may apply for a grant under this section each year of the pilot project.

''(e) SELECTION.—Not later than 6 months after the date of enactment of the Nursing Education Opportunities Act, the Secretary shall establish requirements and procedures for the administration of grants under this section and procedures for selecting grant recipients.

''(f) CONSIDERATION IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

''(1) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Eligible entities that have demonstrated prior experience in, or exceptional programs for, the preparation of—

''(A) doctorally prepared nursing faculty and nursing researchers; and

''(B) baccalaureate prepared nurses or master's prepared nurses.

''(2) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(3) RURAL AND URBAN AREAS.—Distributing such grants to rural and urban areas.

''(4) NEW GRANTEES.—Awarding grants to eligible entities that have not previously received a grant under this section.

''(g) GRANT AMOUNT.—The Secretary shall determine the amount of each grant awarded under this section based on the purpose of this section, which amount shall not be more than $500,000.

''(h) USE OF FUNDS.—A partnership of eligible entities that receives a grant under this section shall use the grant funds to establish a doctoral nursing consortium that shall share doctoral faculty and programmatic resources, such as—

''(1) establishing technology infrastructures;

''(2) developing shared doctoral curriculum;

''(3) hiring faculty and staff;

''(4) retaining current faculty;

''(5) providing travel stipends for nursing faculty who agree to teach nursing courses at another eligible entity within the doctoral nursing consortium;

''(6) providing scholarships for post-doctoral fellows who agree to teach a nursing course within the nursing doctoral consortium;

''(7) providing collaborative networks for nursing research; and

''(8) other investments determined necessary by the eligible entities for use within the doctoral nursing consortium.

''(i) GRANT DURATION.—The pilot project under this section shall be for a period of not more than 5 years.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.''.

SEC. 8. NURSE FACULTY PILOT PROJECT.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by adding at the end the following:

''PART F—NURSE FACULTY PILOT PROJECT

''SEC. 781. PURPOSES.

''The purposes of this part are to create a pilot program—

''(1) to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program; and

''(2) to provide grants to partnerships between accredited schools of nursing and hospitals or health facilities to fund release time for qualified nurse employees, so that those employees can earn a salary while obtaining an advanced degree in nursing with the goal of becoming nurse faculty.

''SEC. 782. ASSISTANCE AUTHORIZED.

''(a) COMPETITIVE GRANTS AUTHORIZED.—The Secretary may, on a competitive basis, award grants to, and enter into contracts and cooperative agreements with, partnerships composed of an accredited school of nursing at an institution of higher education and a hospital or health facility to establish not more than 5 pilot projects to enable such hospital or health facility to retain its staff of experienced nurses while providing a mechanism to have these individuals become, through an accelerated nursing education program, faculty members of an accredited school of nursing.

''(b) DURATION; EVALUATION AND DISSEMINATION.—

''(1) DURATION.—Grants under this part shall be awarded for a period of 3 to 5 years.

''(2) MANDATORY EVALUATION AND DISSEMINATION.—Grants under this part shall be primarily used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in section 781(2).

''(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants and entering into contracts and cooperative agreements under this section, the Secretary shall consider the following:

''(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such grants.

''(2) RURAL AND URBAN AREAS.—Distributing such grants to urban and rural areas.

''(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

''(4) PRIOR EXPERIENCE OR EXCEPTIONAL PROGRAMS.—Institutions of higher education with demonstrated prior experience in providing advanced nursing education programs to prepare nurses interested in pursuing a faculty role.

''(d) USES OF FUNDS.—Funds made available by grant, contract, or cooperative agreement under this part may be used—

''(1) to develop a new national demonstration initiative to align nursing education with the emerging challenges of healthcare delivery; and

''(2) for any 1 or more of the following innovations in educational programs:

''(A) To develop a clinical simulation laboratory in a hospital, health facility, or accredited school of nursing.

''(B) To purchase distance learning technologies.

''(C) To fund release time for qualified nurses enrolled in the graduate nursing program.

''(D) To provide for faculty salaries.

''(E) To collect and analyze data on educational outcomes.

''SEC. 783. APPLICATIONS.

''Each partnership desiring to receive a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include assurances that—

''(1) the individuals enrolled in the program will be qualified nurses in pursuit of a master's or doctoral degree in nursing and have a contractual obligation with the hospital or health facility that is in partnership with the institution of higher education;

''(2) the hospital or health facility of employment would be the clinical site for the accredited school of nursing program;

''(3) individuals will also maintain their employment on a part time basis to the hospital or health facility that allowed them to participate in the program, and will receive an income from the hospital or health facility, as a part time employee, and release times or flexible schedules to accommodate the individuals' class schedules; and

''(4) upon completion of the program, an individual agrees to teach for 2 years in an

accredited school of nursing for each year of support the individual received under this program.

"SEC. 784. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for this part not more than $10,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 4 succeeding fiscal years.

"SEC. 785. DEFINITION.

''For purposes of this part, the term 'health facility' means an Indian Health Service health service center, a Native Hawaiian health center, a hospital, a Federally qualified health center, a rural health clinic, a nursing home, a home health agency, a hospice program, a public health clinic, a State or local department of public health, a skilled nursing facility, or ambulatory surgical center.''.

By Mr. BINGAMAN (by request):

S. 2231. A bill to authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable Federal natural resource managers to meet their obligations, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on June 19, 2007, the administration transmitted draft legislation entitled the Cooperative Conservation Enhancement Act, which was referred to the Committee on Energy and Natural Resources.

I am pleased today to introduce the Cooperative Conservation Enhancement Act, by request, as a courtesy to the administration. This bill would clarify the responsibilities and authorities of the Secretary of the Interior to enter into cooperative conservation partnerships.

I ask unanimous consent that the text of the bill, a letter of support, and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2231

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 ''Cooperative Conservation Enhancement Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) fostering innovation, emphasizing partnerships, creating incentives for stewardship, drawing on information from local citizens, and providing integrated decision-making frameworks that involve States and localities in Federal decision-making are successful cooperative conservation strategies that help conserve our Nation's natural resources and protect our environment;

(2) Americans favor environmental protection and natural resource management achieved through cooperation over conflict, which is the goal of cooperative conservation;

(3) successful conservation policies reside in the efforts of citizens to maintain healthy land and waters and the wildlife that depend on them, in particular, in the actions of citizens in their own backyards, at their places of recreation and work, on farms and ranches, and in communities across the Nation;

(4) to ensure long-term benefits and to meet program goals, it is important for Federal, State, and local officials to tap the ingenuity, imagination, and innovative spirit of citizens at the local level, which is where the resolution to many conservation challenges lies;

(5) cooperative conservation represents a proven and necessary approach to achieving conservation goals, and includes the people who engage in activities on public and private land and established measures by which to judge whether actions have truly improved the environment, enhanced natural resources, maintained healthy local communities, and fostered dynamic economies;

(6) through cooperative conservation, benefits to the environment and natural resources are measured by results on the ground, in the water, and in the air;

(7) cooperative conservation emphasizes cooperative problem solving, incentives, and cooperation over prescriptive rules;

(8) cooperative conservation respects property rights, contracts, and compacts;

(9) actions taken by the Executive Branch to further cooperative conservation have begun to show tangible results in addressing the challenges that citizens and Federal land managers are facing as they work to improve land, waters, and wildlife habitat through partnered problem solving;

(10) it is the intent of Congress to recognize the importance of enhancing means available to landowners, States, Indian tribes, and Federal land managers to achieve improvements to the environment and natural resources through cooperative conservation; and

(11) the Secretary of the Interior is generally authorized to undertake many activities with partners to conserve natural resources and protect the environment, but that specific authorization to accomplish these goals through cooperative conservation would reinforce the importance of these goals.

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

(1) to strengthen and advance the Department of the Interior's commitment to the improvement of the environment and enhancement of natural resources through cooperative conservation efforts;

(2) to advance successful models of cooperative conservation by ensuring clear, but flexible, authority for programs currently carried out by the Department through its bureaus under many disparate authorities;

(3) to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities to better promote conservation partnerships with private individuals, organizations, and government entities;

(4) to further the use of partnerships to help the Department's land and natural resource managers better meet their obligations;

(5) to promote conservation partnership capacity building; and

(6) to authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SEC. 3. DEFINITIONS.

In this Act:

(1) COOPERATIVE CONSERVATION.—The term ''cooperative conservation'' means actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local, and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities, or individuals.

(2) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Working Landscape Projects Act of 2007.''

SEC. 102. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SERVICES.—The term ''administrative services'' includes services and costs associated with the operations of activities authorized under this title. These services and costs shall include meeting announcements, copying, and personnel and reasonable rental costs for facilities necessary for implementing this title. Such services and costs shall be consistent with applicable federal rules, regulations, and guidance.

(2) GOVERNANCE ACTIVITIES.—The term ''governance activities'' means those activities required to ensure the operation and implementation of projects described under this title, including hiring personnel to coordinate project implementation, providing oversight and monitoring of projects and project goals, performing adaptive management techniques on projects, coordinating activities with various partners, performing scientific oversight of projects, including commissioning scientific studies, and requesting data from Federal, State, and local government officials, nonprofit organizations, and private individuals.

(3) INFORMATION DISSEMINATION ACTIVITIES.—The term ''information dissemination activities'' includes broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

(4) LANDSCAPE PROJECT PARTNER.—The term ''landscape project partner'' means a representative of Federal, State, or tribal governments, private landowners or corporations, or nonprofit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES.

(a) IN GENERAL.—(1) The Secretary is authorized, through a competitive process, to directly fund or reimburse landscape project partners for the development or maintenance of necessary administrative services, governance activities, and information dissemination activities necessary for the implementation of a landscape project.

(2) The funding under paragraph (1) shall not exceed 3 years for a particular project.

(3) In order to qualify for administrative funding, a project shall—

(A) include participation by representatives from a diversity of individuals and organizations, including government;

(B) affect several jurisdictions or land ownerships; and

(C) have the potential for advancing cooperative conservation across a geographical area.

(b) ELIGIBLE PROJECTS.—Such projects may include—

(1) established cooperative projects that have a documented record of success and demonstrated leadership and organizational capacity;

(2) existing conservation projects that are at the stage of forming partnerships and require sustained capacity building; or

(3) new or proposed projects that have a plan for establishing partnerships and developing landscape-based projects.

(c) CRITERIA.—Eligible applications shall—

(1) exhibit a clear purpose;

(2) demonstrate, or have a plan for establishing, partnerships which include representation of key interests through multiple partners;

(3) use, or plan to use in the future, coordinated management with Federal and other partners;

(4) have developed performance goals and objectives consistent, where appropriate, with departmental goals;

(5) have developed a plan for implementing, monitoring, and evaluating achievement of project performance goals and objectives;

(6) include non-Federal partners who commit resources to the project such as technical resources or other funds, in-kind services, contributions of individuals' time, or meeting support;

(7) demonstrate processes, practices, and outcomes that can have general application by Federal agencies and other non-Federal entities;

(8) receive Federal funding through a competitive process established by the Secretary; and

(9) have or expect to develop a plan for phasing to an alternative non-Federal source of funds to sustain the partnership at the conclusion of the Federal partnership period.

(d) CONSERVATION PROJECT COORDINATOR.—(1) Within 3 months after the date of enactment of this Act, the Secretary may designate a Department employee as a Conservation Project Coordinator (referred to in this subsection as the ''Coordinator''), who shall—

(A) serve as the primary Federal coordinator of the projects that receive funding under this section; and

(B) oversee and encourage the expedited review and execution of any and all Federal decisions associated with such projects, including the issuance of necessary guidance, decision memoranda, regulations, and other activities, as necessary.

(2) The Coordinator may also carry out such other related cooperative conservation related activities and projects as the Secretary deems appropriate.

(3) All actions carried out by the Coordinator shall be related to the authorized programs and activities of the Department.

SEC. 104. FUNDING.

For the purpose of implementing section 103 and from amounts available for programs identified in the President's annual budget submission as Cooperative Conservation Programs, the Secretary is authorized to use—

(1) up to 5 percent of the funds made available for fiscal year 2008;

(2) up to 6 percent of the funds made available for fiscal year 2009; and

(3) up to 7 percent of the funds made available for fiscal year 2010.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MEASURES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Conservation Bank Program Act''.

SEC. 202. DEFINITIONS.

In this title:

(1) BANK OPERATOR.—The term ''bank operator'' means any public or private entity responsible for operating or managing a conservation bank under an agreement with a bank sponsor.

(2) BANK SPONSOR.—The term ''bank sponsor'' means any public or private entity responsible for establishing and, in most circumstances, operating or managing a conservation bank and for ensuring that the conservation bank complies with all applicable laws.

(3) CONSERVATION BANK.—The term ''conservation bank'' means a parcel of land that—

(A) contains natural resource values that are ecologically suitable with regard to topographic features, habitat quality, compatibility of existing and future land use activities surrounding the bank, species use of the area, or any other factors determined to be relevant by the Secretary for achieving mitigation of specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or candidates for listing under that Act;

(B) is conserved and operated or managed in perpetuity through a conservation easement held by a bank sponsor which is responsible for enforcing the terms of the easement for specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or which are candidates for listing under that Act; and

(C) is used to offset impacts occurring elsewhere to the same resource values on non-conservation bank land.

(4) CONSERVATION BANK AGREEMENT.—The term ''conservation bank agreement'' means a legally enforceable written agreement between the conservation bank sponsor and, if applicable, operator, and the Secretary that identifies the conditions and criteria under which the conservation bank will be established and operated or managed.

(5) CONSERVATION BANK REVIEW TEAM.—The term ''Conservation Bank Review Team'' means the interagency group that can include Federal, State, tribal, and local regulatory and resource agency representatives that are signatories to a conservation bank agreement and which oversee the establishment, use, and operation of a conservation bank.

(6) CREDIT.—The term ''credit'' means a unit of measure representing the quantification of species or habitat conservation values within a conservation bank.

SEC. 203. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS.

(a) CONSERVATION BANKING.—(1) The Secretary, acting through the United States Fish and Wildlife Service, shall select the members of and convene a Conservation Bank Review Team to evaluate for acceptance proposals received from bank sponsors to establish conservation banks according to criteria that the Secretary shall establish in accordance with subsection (b).

(2) If the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal.

(3) If the Secretary accepts the proposal, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

(4) Representatives on the Conservation Bank Review Team must unanimously agree in order for an acceptance to be transmitted to the Secretary.

(b) CRITERIA FOR CONSERVATION BANKS.—In determining whether to approve a conservation bank proposal, a Conservation Bank Review Team shall consider such factors as the Secretary determines are appropriate, including whether the conservation bank would—

(1) provide an economically effective process that provides options to landowners to offset the adverse effects of proposed projects to species covered by the conservation bank;

(2) provide adequate mitigation for the species through such strategies as preservation, management, restoration of degraded habitat, connecting of separated habitats, buffering of already protected areas, creation of habitat, and other appropriate actions;

(3) be of sufficient size to ensure the maintenance of ecological integrity in perpetuity; and

(4) provide funding assurances to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs.

(c) CONSERVATION BANK AGREEMENT REQUIREMENTS.—The bank agreement shall—

(1) include a requirement for adequate funding, as determined by the Secretary, to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs;

(2) specify the exact legal location of the conservation bank and its service area;

(3) specify how credits will be established and managed;

(4) include a requirement that the bank sponsor submit, at the Secretary's request, periodic statements detailing the finances of the conservation bank; and

(5) require submission to the Secretary of periodic monitoring reports on implementation of the conservation bank agreement and such other matters as the Secretary may prescribe.

(d) JUDICIAL REVIEW.—Any party to an agreement entered into under this section may bring an action for violation of that agreement in the United States District Court for the District of Columbia.

(e) EFFECT ON EXISTING CONSERVATION BANKS.—Conservation banks established before the date of enactment of this Act are not required to comply with the criteria in this Act, except where such conservation banks create new conservation banks that are separate from the existing bank.

TITLE III—PROMOTING PARTNERSHIPS

SEC. 301. COOPERATION WITH OUTSIDE ENTITIES.

Except as otherwise provided, in carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) provide assistance to, and cooperate with, Federal, State, local, public or private agencies, organizations, or individuals or Indian tribes for purposes of carrying out any measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department or its bureaus; and

(2) accept donations of land and or interests in land in furtherance of the purposes of this section.

SEC. 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LAND.

(a) AUTHORIZATION OF ACTIVITIES.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to carry out activities on nonfederally owned land provided those activities directly benefit the resource values and management of Federal land, including—

(1) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(2) the prevention, control, or eradication of invasive exotic species that occupy adjacent non-Federal land; or

(3) the restoration of natural resources, including native wildlife habitat.

(b) LIMITATIONS.—Such activities may only be conducted with the written permission of the landowner, and must clearly and directly benefit the specific Department land management unit by directly contributing to the programmatic and performance goals of that unit.

(c) INELIGIBLE ACTIVITIES.—Eligible activities shall not include the construction of permanent capital improvements or acquisition of land.

(d) RELATIONSHIP TO EXISTING PROGRAMS.—Nothing in this section supersedes or otherwise affects or alters the authority provided in title V.

SEC. 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

(a) IN GENERAL.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or a designee is authorized to—

(1) publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other methods as the Secretary determines are appropriate; and

(2) provide nonfinancial assistance to private individuals who are establishing nonprofit groups that are intended to support the mission of a bureau or of a particular management unit of a bureau, such as a park or refuge.

(b) CLARIFICATIONS.—(1) Nothing in this section shall authorize a Department employee to establish a nonprofit entity or other corporate entity to support the Department's mission, including by acting as an incorporator, founding board member, or by assuming any management or fiduciary responsibilities with respect to any such nonprofit or corporate entity.

(2) Nothing in this section shall waive the application of the provisions of section 1913 of title 18, United States Code.

SEC. 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

(a) DEFINITION OF CENTER OF EXCELLENCE FOR PARTNERSHIP LEARNING.—In this section, the term ''Center of Excellence for Partnership Learning'' or ''Center'' means a Federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides Federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

(b) IN GENERAL.—(1) In carrying out existing programs within the sums appropriated for such purposes, the Secretary and the Secretary of Agriculture may identify as Centers of Excellence for Partnership Learning sites under their jurisdiction that meet the criteria in subsection (c) with the purpose of providing Federal employees and partners, including State and local government employees, nonprofit employees, private sector employees, and employees of Indian tribes, the opportunity to learn the best practices involved in creating successful partnerships and a culture of collaboration.

(2) Each Center identified under this section may develop and host a schedule of activities including—

(A) visits;

(B) seminars and other educational courses; and

(C) opportunities for details or job swaps.

(3) To the maximum extent practicable, each Center shall develop and accept applications for participation in Center activities from employees of the Department or the Department of Agriculture or of their partnering entities on a first-come, first-served basis.

(c) CRITERIA FOR IDENTIFYING CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.—Each Center shall be identified based on the following criteria:

(1) Partnership culture has been successfully integrated into the organization, and is not dependent on any particular individual.

(2) The organization has demonstrated partnership success stories that relate to identified partnership competencies.

(3) The organization has the capacity to host and teach others from the participating agencies.

(4) The organization agrees to a schedule of hosting activities.

(5) The organization is willing to host follow-up activities with participating individuals.

(d) INCENTIVES FOR PARTICIPATION.—(1) The respective Secretary for each Center identified in this section is authorized to accept and use reimbursement from the participating agencies and partnering entities for the cost of operating the program.

(2) The respective Secretary for each Center is authorized to provide reimbursement of travel and per diem expenses to federal employees who participate in Center activities.

SEC. 305. PARTNERSHIP ROSTER.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture may establish and make available to the public a multiagency roster with the goal of enhancing capacity for partnerships and collaborative actions.

(b) AUTHORIZED ACTIVITIES.—The partnership roster authorized under this section shall provide nonfinancial assistance and information to government agencies, private sector organizations, and the public in a variety of areas, including—

(1) identification and understanding of statutory and regulatory authorities;

(2) development and implementation of agreements and contracts used in Department and Department of Agriculture programs;

(3) creation and management of nonprofit support groups;

(4) diversification and strengthening of agency funding through the use of partnerships, matching funds, and other devices;

(5) allowable avenues for and uses of private philanthropy;

(6) development of a partnership-focused workplace;

(7) building of community connections and fostering of citizen engagement through the use of partnerships;

(8) allowable avenues for donor recognition;

(9) development of communication skills; and

(10) conflict management and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SEC. 401. SERVICE FIRST AUTHORITY.

(a) IN GENERAL.—The Secretary, through the Directors of the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service, may—

(1) conduct projects, planning, permitting, leasing, including leasing of real property and office space, contracting and other activities, either jointly or on behalf of one another;

(2) co-locate in Federal offices and facilities leased or owned by an agency of either Department;

(3) promulgate special rules for issuance of unified permits, applications, and leases; and

(4) share or transfer equipment, vehicles, or other personal property.

(b) DELEGATION OF AUTHORITY.—Consistent with section 403, the Secretary and the Secretary of Agriculture may make reciprocal delegations of their respective authorities, duties, and responsibilities in support of the activities authorized in this title to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretary and the Secretary of Agriculture may make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service, including transfers and reimbursements for multiyear projects that involve 1 or more of those agencies.

(b) LIMITATION.—The authority provided in this title may not be used to circumvent requirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Nothing in this title shall alter, expand, or limit the applicability of any public law or regulation to land administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SEC. 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

(a) DEFINITIONS.—In this section—

(1) COASTAL PROGRAM PARTNERS.—The term ''coastal program partners'' means individuals, groups, or agencies, such as land conservancies, community organizations, businesses, conservation organizations, private landowners, State or local governments, and Federal agencies, including any partnerships or consortia of these individuals, groups, or agencies, who agree to work on habitat restoration or protection strategies under this program.

(2) HABITAT RESTORATION.—The term ''habitat restoration'' means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(3) IMPORTANT COASTAL HABITAT.—

(A) IN GENERAL.—The term ''Important Coastal Habitat'' means habitat in coastal ecosystems that supports or will support after protection or restoration threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(B) INCLUSIONS.—The term ''Important Coastal Habitat'' includes the Great Lakes, Pacific Islands, and the Caribbean, and bays, estuaries, coastal streams, and wetlands, shore, and terrestrial habitats within coastal areas.

(4) PRIORITY SPECIES.—The term ''priority species'' means threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

(5) PROJECT.—The term ''project'' means a project carried out under the authority of this section in cooperation with coastal program partners and which has the primary purpose of conserving important coastal habitat, and which may include habitat restoration and other technical assistance.

(6) TECHNICAL ASSISTANCE.—The term ''technical assistance'' means biological and habitat assessments, inventories, project coordination, monitoring, mapping, grant writing, and habitat restoration expertise.

(b) COASTAL PROGRAM.—The Secretary is authorized to carry out the Coastal Program within the United States Fish and Wildlife Service to assess, conserve, and restore important coastal habitats for the benefit of priority species. Projects carried out under this authority may include activities to identify, evaluate, and map important coastal habitat, to assist community efforts by providing assessment and planning tools to identify important coastal habitats that are a priority for protection and restoration, and to provide both technical assistance and financial assistance, primarily through cooperative agreements, to coastal program partners to plan and implement projects that benefit coastal wetland, estuaries, upland, and stream habitats important to priority species.

(c) COORDINATION.—The Secretary shall, where appropriate, coordinate with interested Federal agencies on the program authorized under this section.

SEC. 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

(a) DEFINITIONS.—In this section:

(1) HABITAT ENHANCEMENT.—

(A) IN GENERAL.—The term ''habitat enhancement'' means the manipulation of the

physical, chemical, or biological characteristics of a native habitat to change, so as to heighten, intensify, or improve, a specific function or seral stage of the native habitat.

(B) EXCLUSIONS.—The term ''habitat enhancement'' does not include regularly scheduled and routine maintenance and management activities.

(2) HABITAT ESTABLISHMENT.—The term ''habitat establishment'' means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site.

(3) HABITAT IMPROVEMENT.—The term ''habitat improvement'' includes restoring or artificially providing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(4) HABITAT RESTORATION.—The term ''habitat restoration'' means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) CHALLENGE COST SHARE AGREEMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, the National Park Service, or the Bureau of Land Management, is authorized to negotiate and enter into cooperative arrangements with any State or local government, Indian tribe, public or private agency, organization, institution, corporation, individual, or other entity to carry out on a public-private cost sharing basis on-the-ground conservation activities, including functions and responsibilities relating to habitat improvement, habitat restoration, habitat enhancement, and habitat establishment on public or private land.

(2) PRIVATE LAND.—Projects carried out on private land require—

(A) express permission from landowners;

(B) a clear and direct benefit to the specific Departmental land management unit entering into the arrangement through the direct contribution to the programmatic and performance goals of that unit; and

(C) that the project be adjacent to, or in close proximity to, land administered by the Department.

(3) EFFECT ON EXISTING LAWS.—Nothing in this section shall be construed to supersede, modify, or repeal existing laws providing additional cost-share authorities.

(4) COST-SHARING.—(A) The Federal share for a project authorized under this section may not exceed 50 percent and shall be provided on a matching basis.

(B) The non-Federal share for a project authorized under this section may be satisfied by the provision of cash, services, or in-kind contributions.

SEC. 503. WATER MANAGEMENT IMPROVEMENT ACT.

(a) SHORT TITLE.—This section may be cited as the ''Bureau of Reclamation Water Management Improvement Act''.

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into grants and cooperative agreements with States, Indian tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, or constructing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to Federal water projects within the States identified in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388, chapter 1093) as amended and supplemented (43 U.S.C. 371 et seq.).

(2) CRITERIA.—Grants and cooperative agreements entered into pursuant to this authority shall meet the following criteria:

(A) When such improvements are to federally-owned facilities, funds provided under any such grant or cooperative agreement may be provided on a nonreimbursable basis to an entity operating affected transferred works or may be deemed nonreimbursable for nontransferred works.

(B) Title to improvements made to federally-owned facilities shall be held by the United States.

(C) The calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions which the Secretary determines materially contribute to the completion of the proposed action, but shall not include funds received from other Federal agencies.

(D) The cost of operating and maintaining improvements for which funding is provided shall be the responsibility of the non-Federal entity.

(E) The United States shall not be held liable by any court for monetary damages of any kind arising out of any act, omission, or occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the ''Federal Tort Claims Act'').

(c) RELATIONSHIP TO PROJECT SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(d) RESEARCH AGREEMENTS.—The Secretary is also authorized to enter into cooperative agreements with universities, nonprofit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate.

(e) MUTUAL BENEFIT.—Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $100,000,000 to carry out the purposes of this section, to remain available until expended.

(g) RECLAMATION LAW.—This section shall amend and supplement the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371 et seq.).

SEC. 504. CONSULTATION WITH STATE PLANS.

In evaluating proposals for wildlife conservation grants under programs administered by the Department, including grants and financial assistance authorized under this title, the Secretary shall, where appropriate, consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with State fish and wildlife agencies in the planning and implementation of the actions identified in those Plans.

TITLE VI—CONFLICT RESOLUTION

SEC. 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

(a) IN GENERAL.—(1) The Secretary shall establish within the Department an Office of Collaborative Action and Dispute Resolution to promote and advance the appropriate use of collaborative problem solving and alternative dispute resolution processes in all bureaus and offices.

(2) The Office established under paragraph (1) shall coordinate efforts of the Department to increase the use of early consensus-building, alternative dispute resolution processes, and negotiated rulemaking consistent with existing laws, regulations, and policies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the program described in this section.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. SAVINGS PROVISION.

Nothing contained in this Act shall be construed or applied to supersede any other provision of Federal or State law.

SEC. 702. SEVERABILITY PROVISION.

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid by a court of competent jurisdiction, the application of such provision to other persons or circumstances, and the remainder of this Act shall not be affected thereby.

SEC. 703. REGULATIONS.

The Secretary is authorized to prescribe such regulations as are necessary to carry out this Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate, U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, titled the ''Cooperative Conservation Enhancement Act,'' for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

SECTIONAL ANALYSIS

The purposes of this bill are to authorize programs and activities that will strengthen and advance the Department of the Interior's cooperative conservation efforts and reduce

barriers to the use of partnerships in meeting resource management obligations.

Generally, the proposal seeks to strengthen and advance the Department's successful model of cooperative conservation by ensuring clear, but flexible statutory authority for programs that are currently carried out by the Department but generally authorized under many disparate authorities. The bill also seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

SECTION 1. SHORT TITLE

This section states that the short title for the bill is the ''Cooperative Conservation Enhancement Act.''

SECTION 2. FINDINGS AND PURPOSES

This section sets forth congressional findings and purposes.

SECTION 3. DEFINITIONS

Section 3 sets out several definitions for terms that are used throughout the bill. The term ''cooperative conservation'' is defined as actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among federal, state, local, and tribal governments, private for-profit and non-profit institutions, other non-governmental entities, or individuals. The term ''Department'' is used throughout the bill to reference the Department of the Interior. Finally, the term ''Secretary'' means the Secretary of the Interior.

TITLE I—WORKING LANDSCAPE PROJECTS

According to the Department's partners, one of the difficult hurdles for cooperative conservation projects that involve multiple partners or which require coordination across jurisdictions is securing funding for administrative-type costs. These costs might include costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

Title I of the bill would provide the Secretary with authority, for a three-year period, to establish a consistent stream of such funding, to be awarded competitively and for a period of up to three years for any given project, for projects authorized under existing authorities that support innovative approaches to cooperative conservation.

SECTION 101. SHORT TITLE

The short title of this provision is the ''Working Landscape Projects Act of 2007.''

SECTION 102. DEFINITIONS

Section 102 provides definitions for certain terms used throughout this title. The term 'administrative services' is defined to include services and costs associated with the operations of activities authorized under this title. It is intended that such services and costs include, but not be limited to, things like meeting announcements, copying, personnel costs and reasonable rental costs for facilities necessary for implementing this title. It is also intended that services and costs under this title shall be consistent with any applicable federal rules, regulations, and guidance. The term 'information dissemination activities' is defined to include broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

'Governance activities' are defined as those activities required to ensure the operation and implementation of projects including, but not limited to, hiring personnel to coordinate project implementation; providing oversight and monitoring of projects and project goals; performing adaptive management techniques on projects; coordinating activities with various partners; performing scientific oversight of projects, including commissioning scientific studies; and requesting data from federal, state, and local government officials, non-profit organizations, and private individuals. Finally, the term 'landscape project partner' is a representative of federal, state, or tribal governments, private landowners or corporations, or those of non-profit organizations.

SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES

Section 103 would authorize the Secretary of the Interior to provide funds through a competitive process for the development or maintenance of necessary administrative requirements, including, but not limited to, costs associated with governance, support services, and dissemination of information associated with projects that feature innovative approaches to cooperative conservation.

Funding for any particular project would be limited to three years, and to qualify for such administrative funding, a project must include participation by a diverse group of partners, including government entities, must affect several jurisdictions or land ownerships, and must have the potential to advance cooperative conservation across a geographical area.

Projects that receive funding under this provision may include established projects with a record of success; existing projects that are in their early stages and require sustained capacity building; or new or proposed projects that have developed a plan for establishing partnerships and developing landscape-based projects. Section 103 also enumerates certain listed criteria that the projects must meet, and would establish the position of Conservation Project Coordinator, who would serve as the primary federal coordinator of projects that receive funding under this section and whose responsibility it would be to oversee and encourage such projects such that they are reviewed and executed expeditiously. The Coordinator would also be authorized to carry out such other cooperative conservation related activities and projects as the Secretary deems appropriate. All actions undertaken by the Coordinator must be related to the authorized programs and activities of the Department of the Interior.

SECTION 104. FUNDING

Section 104 sets out the mechanism by which the administrative costs awarded under this title would be funded. The Secretary would be authorized to use funds identified in the President's annual budget submission as Cooperative Conservation Programs. Examples of such programs that have been so identified in past budgets include the Department's Challenge Cost Share Program, authorized by section 502 of this legislation, or the U.S. Fish and Wildlife Service's Coastal Program, authorized by section 501 of this legislation. These funds would, in turn, be made available to the Secretary in amounts of up to 5 percent of those total funds for FY 2008; up to 6 percent in FY 2009; and up to 7 percent in FY 2010, and will be used, for example, for the costs associated with governance, such as the hiring of an executive director, or costs of support services or dissemination of information.

TITLE II—LANDOWNER CONSERVATION ASSISTANCE MATTERS

In order to encourage landowners to participate as citizen stewards in protecting endangered and threatened species, species proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and candidate species, this proposal would authorize a conservation banking program within the Department of the Interior.

SECTION 201. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS

In May 2003, the FWS administratively issued its ''Guidance on the Establishment, Use, and Operation of Conservation Banks.'' That document recognized that conservation banks can benefit the Service—by reducing a piecemeal approach to conservation by promoting the establishment of larger reserves and habitat connectivity—as well as landowners—who benefit from its relative ease of use, flexibility, and opportunity to generate income from what may previously have been considered a liability. Banking also allows a public/private collaboration to maintain lands as open space, providing for the conservation of listed and candidate species.

Section 201 would establish within the FWS a conservation banking program. It defines certain important terms, including ''bank operator,'' ''bank sponsor,'' ''conservation bank,'' ''conservation bank agreement,'' ''conservation bank review team,'' and ''credit.'' The proposal would authorize the Secretary to select and convene a ''Conservation Bank Review Team,'' an interagency group that may include federal, state, tribal and local regulatory and resource agency representatives, to evaluate for acceptance proposals received from bank sponsors. Section 201 provides that if the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal. Once it has been accepted, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

This section also contains criteria to be used in determining whether to approve a conservation bank proposal, including whether the bank would provide an economically effective process providing options to landowners to offset the adverse effects of projects to species covered by the bank; whether it would provide adequate mitigation for species through appropriate actions; and whether it would be of sufficient size to ensure the maintenance of ecological integrity in perpetuity. The proposal includes requirements that must be contained in bank proposals that have been accepted.

Finally, in order to ensure the enforceability of agreements entered into under this section, the proposal contains a provision authorizing any party to an agreement to bring an action for violation of an agreement in the U.S. District Court for the District of Columbia.

TITLE III—PROMOTING PARTNERSHIPS

Title III of the proposal would provide mechanisms for increasing the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, government entities, and organizations, and provide the Department increased flexibility in working with partners and the ability to publicize partnership programs using appropriated funds.

In some cases, the provisions in Title III are intended to clarify areas of law where general authority is believed to exist within a particular bureau, but which would benefit

from clarification. In other cases, the provisions of this title are intended to provide application of a particular provision uniformly across the Department's land managing bureaus.

SECTION 301. COOPERATION WITH OUTSIDE ENTITIES

Section 301 would authorize the Secretary or designated bureau official to provide assistance to and cooperate with any agency, organization, or private individual in order to carry out measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department and its bureaus. The section would also authorize Departmental bureaus to accept donations of land and interests in land that further the purposes of this section. This language is intended to provide to bureaus across the Department authority similar to that provided to the Secretary in the Fish and Wildlife Coordination Act.

SECTION 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LANDS.

Because it is not clear that all of the Department's bureaus enjoy this authority, section 302 would authorize the Secretary or his designee to carry out activities on non-federal lands that directly benefit the resource values and management of federal lands, such as the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands; the prevention, control, or eradication of invasive species that occupy adjacent non-federal lands; or the restoration of natural resources, including native wildlife habitat.

Activities authorized by this section could only be conducted with the written consent of the landowner, and must clearly and directly benefit the specific Departmental land management unit by directly contributing to the programmatic and performance goals of that unit. Eligible activities would not include the construction of permanent capital improvements or the acquisition of land.

Finally, in order to ensure that the specific language of section 302 does not limit the application of the Department's other grant-making and other landowner assistance provisions authorized in title V of this Act, the language of section 302 makes clear that nothing in this section supersedes or otherwise affects or alters the authority provided in that title.

SECTION 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS.

In order to assist our partners and to provide clarity to an issue that has caused confusion within the Department's bureaus, section 303 would authorize the Secretary or his designee to use appropriated funds to publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other appropriate methods. It would also allow the Department to provide non-financial assistance to private individuals who are establishing non-profit groups that are intended to support the mission of a Departmental bureau or management unit of a bureau, such as a particular park or refuge. For example, this provision would make it clear that the National Park Service may provide meeting space to individuals interested in establishing a ''friends of the park'' group for a particular park unit.

The provision specifically would not allow a Department employee to establish a not-for-profit or other entity to support the Department's mission, and nothing in this section would waive the application of the provision of the Anti-Lobbying Act (18 U.S.C. 1913).

SECTION 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.

Cooperative Conservation is critical to the Department's ability to achieve its conservation goals on a landscape scale and resolve environmental and natural resources disputes. Consistent with President Bush's 2004 Executive Order titled ''Facilitation of Cooperative Conservation,'' which directs federal agencies to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, section 304 authorizes a number of sites where federal employees and their partners, including state and local government employees, non-profit employees, private sector employees, and employees of Indian tribes, could experience and learn from resident experts the best practices involved in creating successful partnerships and fostering collaboration.

For clarity, section 304 contains a definition of ''Center of Excellence for Partnership Learning'' or ''Center,'' which means a federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

Each site is authorized to develop a schedule of hosting activities, which could include some combination of visits, formal courses, detail opportunities, or job swaps at various times throughout the year. To the maximum extent practicable, spaces in the program would be filled on a first-come, first-served basis. Section 304 includes criteria for identifying sites that would serve as Centers of Excellence for Partnership Learning, and allows each Center to receive funding reimbursement for the cost of running the program. Each Center would be authorized to cover travel and other incidental expenses of federal employee participants.

SECTION 305. PARTNERSHIP ROSTER.

Section 305 authorizes the Secretaries of the Interior and Agriculture to establish a multi-agency roster to enhance capacity for partnership and collaborative action. The goal of the Roster is to provide non-financial assistance and information to government agencies, private sector organizations, and the public on a variety of issues, including authorities, agreements and contracts, creating and managing non-profit support groups, diversifying and strengthening agency funding, developing a partnership workplace, building community connections, citizen engagement, allowable avenues for donor recognition, communications, conflict management, and collaborative management.

TITLE IV—COOPERATION AMONG FEDERAL AGENCIES

SECTION 401. SERVICE FIRST AUTHORITY.

Section 401 provides permanent authorization for the Service First Initiative, a multi-agency program jointly implemented by the Departments of the Interior and the Department of Agriculture's Forest Service. That program was last authorized in the Department's FY 2006 Appropriations legislation. Under this provision, the Secretary of the Interior, acting through the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service, and the Secretary of Agriculture, acting through the U.S. Forest Service, are authorized to conduct projects, planning, permitting, leasing, contracting and other activities, either jointly or on behalf of one another; co-locate in federal offices and facilities owned or leased by an agency of either Department; promulgate special rules for issuance of unified permits, applications, and leases; and share or transfer equipment, vehicles, or other personal property.

The Secretaries may also make reciprocal delegations of their respective authorities, duties and responsibilities in support of the activities authorized in this section in order to promote customer service and efficiency.

SEC. 402. USE OF FUNDS.

Section 402 provides a mechanism by which the Secretaries may, in carrying out the provisions of this title, make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service, including transfers and reimbursements for multi-year projects that involve one or more of those agencies. In so doing, however, the Secretaries may not circumvent other requirements and limitations imposed on the use of funds.

SEC. 403. CONSTRUCTION.

Section 403 clarifies that nothing in title IV is intended to alter, expand or limit the applicability of any public law or regulation to lands administered by the participating agencies of either Department.

TITLE V—COOPERATIVE ASSISTANCE

SECTION 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.

The FWS's Coastal Program was created by administrative action, rather than by statute, relying on a number of authorities, including the Fish and Wildlife Coordination Act (16 U.S.C. 661–667e), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), and the Coastal Barriers Resources Act (16 U.S.C. 3501 et seq.).

Section 501 would provide specific statutory authorization for the Secretary of the Interior to carry out the Fish and Wildlife Service Coastal Program within the FWS. Assistance would be used by coastal program partners for, among other things, conservation and restoration of important coastal habitat that supports ''priority'' species, including threatened and endangered species, fishery resources under the Department's jurisdiction, and migratory birds.

To ensure that the programs carried out under this authority are coordinated with other programs within the Administration that benefit coastal areas, the section contains a provision requiring that the Secretary, where appropriate, coordinate with other interested federal agencies on the program authorized under this section.

SECTION 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.

Section 502 authorizes the Secretary, through the U.S. Fish and Wildlife Service, the Bureau of Land Management, or the National Park Service, to negotiate and enter into cooperative arrangements—partnerships—with state or local governments, Indian tribes, public or private agencies, organizations, institutions, corporations, individuals, or other entities to carry out on a public-private cost sharing basis on-the-ground conservation activities on public or private lands. The language contains certain requirements for projects carried out on private lands, and specifies that the federal share for a project may not exceed 50 percent and shall be provided on a matching basis. The non-federal share for a project may be in the form of cash, services, or in-kind contributions.

Finally, the language makes clear that nothing in this section is intended to supersede, modify, or repeal existing laws providing additional cost-share authorities to Department bureaus.

SECTION 503. WATER MANAGEMENT IMPROVEMENT ACT.

Section 503 authorizes the Secretary to enter into grants and cooperative agreements with states, tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, constructing, or otherwise implementing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to federal water projects within the states identified in the Reclamation Act of 1902.

The purpose of this section is to give Reclamation permanent authority for the competitive grants program that is a central element of Reclamation's ''Water 2025'' program. The program is intended to apply to watersheds containing or receiving water from, or hydrologically impacted by, not only Bureau of Reclamation projects, but other federal projects as well, including but not limited to those of the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the Department of Agriculture's Natural Resources Conservation Service.

The authority may be used to promote partnership on any action that would achieve the Water 2025 program goal of preventing water-related crisis and conflict. Illustrative examples include actions to enhance water management, such as canal lining and piping, installation of measuring devices to control water or water management technology such as automation, or actions that improve riparian habitat. The program aims to promote cooperation between the different interests within a watershed. Recipients of Water 2025 awards are encouraged to enter into partnerships with other entities, including governmental entities or community organizations without water delivery authority, so long as the recipient of the grant or cooperative agreement is a state, tribe, irrigation district, water district, or other organization with water delivery authority. In instances where grant partners are states, funds will be disbursed in conformance with the Cash Management Improvement Act (P.L. 101–453 as amended by P.L. 102–589).

Agreements entered into pursuant to this authority must comply with the following criteria:

(1) Funding for improvements to federally-owned facilities may be provided on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works. Language regarding reimbursability is necessary to distinguish this authority from some other Bureau of Reclamation authorities, which often require that project beneficiaries reimburse the federal government for its investment.

(2) Title to improvements made to federally-owned facilities shall be held by the United States. This does not preclude title to an entire project being transferred to non-federal entities at a later date.

(3) Non-federal cost-share contributions can include the value of any in-kind contributions, but may not include funds from other federal agencies. In-kind contributions should materially contribute to the completion of the proposed action, and should be in compliance with Reclamation standards regarding allowable contributions.

(4) The cost of operating and maintaining such improvements shall be the responsibility of the non-federal entity. This is consistent with existing practice for most Reclamation facilities, where local project partners are responsible for either reimbursing Reclamation for operating and maintaining the facilities, or directly financing those activities themselves.

(5) The United States shall not be held liable for monetary damages arising out of any occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence.

It is intended that these provisions shall not supersede any existing project-specific funding authority.

The Secretary is also authorized to enter into cooperative agreements with universities, non-profit research institutions, or organizations with water or power delivery authority to fund research on ways to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate. This provision is intended to provide Reclamation broader authority to enter into cooperative agreements on research that advances achievement of Reclamation's core mission areas, and which is consistent with the Administration's Research and Development criteria. It is not intended to apply only to Reclamation's Water 2025 program, but to apply to all of Reclamation's research and development efforts.

Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party, in contrast to agreements entered into under provisions of the Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. §§6304–6305, which restrict the use of grant or cooperative agreements to relationships in which the principal purpose is to benefit the non-federal party.

The legislation provides for a $100 million authorization of appropriations to carry out the section, to remain available until expended.

Finally, the language makes clear that this section would amend and supplement the Act of June 17, 1902, as amended and supplemented.

SECTION 504. CONSULTATION WITH STATE PLANS.

Section 504 would require the Secretary, where appropriate, to consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with state fish and wildlife agencies in the planning and implementation of the actions identified in those plans in evaluating proposals for wildlife conservation grants under programs administered by the Department.

TITLE VI—CONFLICT RESOLUTION

SECTION 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE.

Section 601 would establish in the Department the Office of Collaborative Action and Dispute Resolution, which would be responsible for promoting and advancing the use of collaborative problem-solving and alternative dispute resolution activities in all Departmental bureaus and offices. The Office would be tasked with increasing the use of early consensus building, alternative dispute resolution, and negotiated rulemakings. The section authorizes such sums as are necessary to carry out the program.

TITLE VII—MISCELLANEOUS PROVISIONS

In order to ensure clarity and flexibility in implementing this Act, the bill contains a savings provision, which makes clear that the provisions contained in this bill are not intended to supersede any provision of state or federal law; a severability provision, which will ensure the operation of the Act if a particular provision is successfully challenged; and a general authorization to promulgate any regulations necessary to carry out the terms of the Act.

THE DEPUTY SECRETARY
OF THE INTERIOR,
Washington, DC, June 19, 2007.

Hon. RICHARD CHENEY,
President of the Senate,
U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: The Administration is pleased to forward the enclosed draft legislation, title the ''Cooperative Conservation Enhancement Act,'' for your consideration. The draft legislation is intended to advance the Department of the Interior's successful model of cooperative conservation in several ways. First, it will ensure clear, but flexible statutory authority for programs that are currently carried out by the Department but are generally authorized under many disparate authorities. Second, the bill seeks to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities that will assist the Department in promoting conservation partnerships with private individuals, companies, and organizations and government entities; promote conservation partnership capacity building; and authorize the use of collaborative problem solving and alternative dispute resolution in the Department's bureaus and offices.

This draft legislation represents a major step forward for the Department's cooperative conservation efforts. If enacted, this new authority will reduce barriers to the use of partnerships in meeting our resource management obligations, and will enhance our collaborative efforts to conserve and protect natural resources and the environment for which the Department is responsible.

To assist you in your review of the draft legislation, we have enclosed a section-by-section analysis for the proposed bill. The Administration recommends that the draft bill be sent to the appropriate committee for consideration and that it be enacted.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

P. LYNN SCARLETT.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. MURKOWSKI, and Mr. AKAKA):

S. 2232. A bill to direct the Secretary of Commerce to establish a demonstration program to adapt the lessons of providing foreign aid to underdeveloped economies to the provision of Federal economic development assistance to certain similarly situated individuals, and for other purposes; to the Committee on Indian Affairs.

Mr. STEVENS. Mr. President, I am pleased to introduce the Foreign Aid Lessons for Domestic Economic Assistance Act of 2007 to bring a fresh approach to the vexing problem of stimulating Alaska Native, Native Hawaiian and Lower–48 Indian Tribe economies to bring jobs, hope and investment to these impoverished peoples.

Despite modest improvements in the economic and social well-being of Alaska's native people, they continue to have extremely high rates of unemployment and poverty, poor health, substandard housing, and the related ills of alcohol and drug abuse.

Only 11 percent of American Indians and Alaska Natives hold a bachelor's degree compared to 24 percent of the total population. The poverty rate in

1999 was 25.7 percent for the American Indian and Alaska Native population, compared to 12.4 percent of the total population.

Weak economies also contribute to poor health in native communities: American Indian and Alaska Natives suffer from significantly higher mortality rates compared to the general population. The death rate for American Indians and Alaska Natives for tuberculosis is 600 percent higher, 510 percent higher for alcoholism, 229 percent higher for motor vehicle crashes, 189 percent higher for diabetes, 61 percent higher for homicide and 62 percent higher for suicide. American Indian and Alaska Native infants die at a rate of 8.5 per every 1,000 live births, compared to 6.8 per 1,000 for all U.S. races.

Housing statistics are no better—12 percent of American Indian and Alaska Native homes lack safe and adequate water supply and waste disposal facilities compared to one percent of the U.S. general population.

This is the profile of native communities in Alaska, and in the lower–48 states as well, despite a vibrant cultural legacy and abundant natural resources on and under their lands and in their waters. Many native communities have marketable timber, huge reserves of coal, natural gas, oil, fish and shellfish and other natural amenities.

At the same time, native economies are hobbled by geographic remoteness, distance from markets and population centers, poor physical infrastructure, and a lack of governmental transparency, contributing to stagnating Native American economies.

Because native economies are often plagued by the same challenges as the economies of the developing world, native economies are likely to benefit from the application of proven models employed in international development efforts, most notably the Millenium Challenge Act of 2003. This initiative aims to foster those policies that are known to be effective and in the process, reduce poverty and promote sustainable economic growth in the host country. Typically, the activities that are assisted are related to agriculture, irrigation, and related land practices; physical infrastructure development to facilitate marketing of goods and services; and a variety of health care programs.

Similarly, the objectives of the legislation I am introducing today are just as straightforward: enhancing the long-term job creation and revenue generation potential of Native economies by creating investment-favorable climates and increasing Native productivity.

The Foreign Aid Lessons for Domestic Economic Assistance Act would also authorize administering federal economic development assistance in a novel manner to promote economic growth, eliminate poverty, and strengthen good governance, entrepreneurship, and investment in native communities.

A corollary, but equally important, objective is to improve the effectiveness of existing Federal economic development assistance by encouraging the integration and coordination of such assistance to benefit Native economies. Accordingly, this legislation requires that any assistance provided must be coordinated with other Federal economic development assistance programs for Native Americans.

A critical component of the Foreign Aid Lessons for Domestic Economic Assistance Demonstration is in its demand for accountability in the performance of the Compact terms and use of financial resources. This legislation requires that eligible entities submit to the Secretary of Commerce written reports on an annual basis detailing activities undertaken and progress made through assistance from this program.

Mr. President, I hope my colleagues will join me in supporting this legislation.

By Mr. ROCKEFELLER:

S. 2236. A bill to title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to provide additional limitations on preexisting condition exclusions in group health plans and health insurance coverage in the group and individual markets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Pre-existing Condition Exclusion Patient Protection Act of 2007. This is a critical bill for the tens of millions of individuals who suffer from chronic, disabling, and life-threatening conditions, as it will ensure that they have access to affordable, comprehensive, and meaningful health insurance coverage despite ''pre-existing conditions.''

The Centers for Disease Control & Prevention estimates that fully one-third of all Americans will have a chronic, disabling, and life-threatening condition at some time during their lifetimes. In West Virginia, that translates to approximately 600,000 of our neighbors who will face these serious health problems. Far too often these are the very people who find their health insurance coverage interrupted, cancelled, or denied because of pre-existing condition limitations in their health insurance policies.

That is why, over 10 years ago, Congress passed the Health Insurance Portability and Accountability Act of 1996, HIPAA, P.L. 104–191, with the objective of protecting Americans from interruptions in health insurance coverage resulting from job changes or other life transitions. HIPAA provides this protection by restricting when private insurers can use pre-existing conditions to limit health care coverage. HIPAA has been successful, and many individuals have come to rely on its protections. However, after more than a decade, certain gaps in HIPAA's protection have become apparent that hamper individuals' access to care for which they could be covered, but for their pre-existing conditions.

First, individuals who have been without health insurance coverage for 63 days or more, risk becoming permanently uninsurable. This is particularly true of individuals with pre-existing conditions, because a 63–day gap in coverage eliminates any prior creditable coverage. If an employee cannot demonstrate that he or she had prior creditable and continuous coverage, an employer can exclude coverage for pre-existing conditions for up to 12 months.

Second, employers can restrict coverage for pre-existing conditions to otherwise qualified employees based on a 6-month ''look-back'' period. This means that an employer may use medical recommendations, diagnoses, and treatments within the most recent 6 months to exclude coverage as a ''pre-existing condition.'' This ''look-back'' period is sufficiently long that it likely impacts all Americans with at least one chronic illness, a category that includes a staggering one out of every three Americans, according to the Centers for Disease Control.

Third, the protections offered to individuals moving into a group health plan, or moving into the individual insurance market from a group plan, are not available to individuals attempting to shop around for policies within the individual market. As a result, individuals who purchase policies in the non-group market and never have a gap in coverage still have no protection against the pre-existing condition exclusions that insurers may choose to impose.

The Pre-existing Condition Exclusion Patient Protection Act of 2007 takes significant steps to improve these weaknesses in the law, thereby protecting patients who are currently at risk of being denied health insurance coverage. To close the first gap in the law, the bill reduces the timeframe during which an employer can exclude coverage for pre-existing conditions from 12 months to three months. This would ensure that more Americans have access to health insurance coverage; furthermore, it is consistent with the requirements for ''state-qualified plans'' under the Trade Adjustment Assistance Reform Act of 2002.

To close the second HIPAA gap, this legislation shrinks the permitted ''look-back'' period from 6 months to 30 days, which would result in a decrease in the number of Americans who are unfairly denied health coverage due to pre-existing conditions. Finally, the bill closes the third gap by applying the same pre-existing condition protections afforded to individuals in the group health insurance market under HIPAA to individuals moving to, and within, the individual health insurance market.

Passing this legislation would increase access to private health insurance for the almost 94 million Americans who suffer from at least one chronic illness. It also would ensure

that the 158 million individuals who are insured through employer-based private plans and the more than 14 million individuals who are covered by non-group, private plans would have far better protection when changing jobs or their health care plans.

I am confident that with these actions, we can achieve a significant improvement in the access of Americans to health insurance coverage. For this reason, I urge my colleagues to advance progress toward this important goal by supporting the Pre-existing Condition Exclusion Patient Protection Act of 2007.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2236

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 ''Preexisting Condition Exclusion Patient Protection Act of 2007''.

SEC. 2. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS UNDER GROUP HEALTH PLANS.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 701(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 701(a)(2) of such Act (29 U.S.C. 1181(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(b) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Section 2701(a)(1) of the Public Health Service Act (42 U.S.C. 300gg(a)(1)) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Section 2701(a)(2) of such Act (42 U.S.C. 300gg(a)(2)) is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(c) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) REDUCTION IN LOOK-BACK PERIOD.—Paragraph (1) of section 9801(a) of the Internal Revenue Code of 1986 (relating to limitation on preexisting condition exclusion period and crediting for periods of previous coverage) is amended by striking ''6-month period'' and inserting ''30-day period''.

(2) REDUCTION IN PERMITTED PREEXISTING CONDITION LIMITATION PERIOD.—Paragraph (2) of section 9801(a) of such Code is amended by striking ''12 months'' and inserting ''3 months'', and by striking ''18 months'' and inserting ''9 months''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning after the end of the 12th calendar month following the date of the enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified before the date of the enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the earlier of—

(A) the date on which the last of the collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or

(B) 3 years after the date of the enactment of this Act.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by the amendments made by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. 3. AMENDMENTS RELATING TO PREEXISTING CONDITION EXCLUSIONS IN HEALTH INSURANCE COVERAGE IN THE INDIVIDUAL MARKET.

(a) APPLICABILITY OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

(1) IN GENERAL.—Section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41) is amended—

(A) by redesignating the second subsection (e) (relating to market requirements) and subsection (f) as subsections (f) and (g), respectively; and

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

''(h) APPLICATION OF GROUP HEALTH INSURANCE LIMITATIONS ON IMPOSITION OF PREEXISTING CONDITION EXCLUSIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), a health insurance issuer that provides individual health insurance coverage may not impose a preexisting condition exclusion (as defined in subsection (b)(1)(A) of section 2701) with respect to such coverage except to the extent that such exclusion could be imposed consistent with such section if such coverage were group health insurance coverage.

''(2) LIMITATION.—In the case of an individual who—

''(A) is enrolled in individual health insurance coverage;

''(B) during the period of such enrollment has a condition for which no medical advice, diagnosis, care, or treatment had been recommended or received as of the enrollment date; and

''(C) seeks to enroll under other individual health insurance coverage which provides benefits different from those provided under the coverage referred to in subparagraph (A) with respect to such condition,

the issuer of the individual health insurance coverage described in subparagraph (C) may impose a preexisting condition exclusion with respect to such condition and any benefits in addition to those provided under the coverage referred to in subparagraph (A), but such exclusion may not extend for a period of more than 3 months.''.

(2) ELIMINATION OF COBRA REQUIREMENT.—Subsection (b) of such section is amended—

(A) by adding ''and'' at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(3) CONFORMING AMENDMENT.—Section 2744(a)(1) of such Act (42 U.S.C. 300gg–44(a)(1)) is amended by inserting ''(other than subsection (h))'' after ''section 2741''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the end of the 12th calendar month following the date of the enactment of this Act.

By Mr. BIDEN:

S. 2237. A bill to fight crime; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President. I rise to mark the introduction of the 2007 Biden Crime Bill because a perfect storm is gathering with respect to crime in America, and we need bold action to get us back on track.

Before I discuss the specifics of my legislation, I want to talk to you about what is feeding this perfect storm. Since 2001, Federal funding for local law enforcement has been slashed by billions of dollars—from about $2,1 billion per year in the nineties to a proposed level of $32 million in 2007. The COPS hiring program has been eliminated completely.

At the same time, President Bush has reassigned more than 1,000 FBI agents from fighting crime to combating terrorism. Certainly, this was necessary, but he has not replaced them. A bitter irony results—we have improved our ability to fight international terrorism, but left our communities here at home less safe from the threat of murderers, rapists, and drug kingpins.

This is the perfect storm: asking local law enforcement to do much more for a growing population while giving them much less—less Federal funding and fewer Federal agents with whom to partner. As a result, local law enforcement has had to give up crime prevention practices, like community policing, in order to stay on top of rising demand. They are doing their level best, but they need more help.

Early stages of the storm are upon us. The FBI's Uniform Crime Reports show a rise in violent crime and murder for the second straight year. This hasn't happened since 1994. Last year, crime rose at the highest rate it had in 15 years and this year we add another 1.9 percent increase.

The Police Executive Research Forum reports that the homicide rate rose more than 10 percent in metropolitan areas around the country, like Baltimore, Boston, Charlotte, Cincinnati, Kansas City, and Philadphia. Don't believe the statistics? Just ask your local cops. They will tell you they are seeing more crimes with a higher level of violence.

Back in the nineties we faced a similar crime crisis. In 1994, Congress passed the Crime Bill, and it transformed the Federal approach to fighting crime. It used a three-part system: invest in prevention programs, dedicate Federal support to community-oriented policing, and ensure that offenders serve tough-but-fair prison sentences. It worked. Crime dropped for eight consecutive years. Violent crime and murder rates dropped more than 30 percent

The bill I introduced today is the most comprehensive crime bill in more than a decade and it builds on the successful approach of the 1994 Crime Bill.

It invests more than $6 billion in tried and true prevention programs that recognize that the first step to fighting crime is protecting kids from neglect and abuse and providing them with a stable family, positive early education, and someplace safe and constructive to spend the critical after-school hours.

My bill reauthorizes the COPS program and provides $1.15 billion per year to hire, equip, and train 50,000 new police officers, and hire additional local prosecutors. Study after study has demonstrated the effectiveness of the COPS program, and every major law enforcement agency in the country supports it. It is high time we started funding it again.

In addition, the bill provides funds to hire an additional 1,000 FBI agents dedicated to fighting crime and an additional 500 DEA agents dedicated to dismantling drug trafficking organizations. The Federal Government cannot make the trade-off between fighting crime and terrorism—we owe it to our citizens to do both.

The bill invests more than $1 billion in preventing recidivism by ensuring that when prisoners are released into society, they have the vocational training, the drug treatment, and the housing they need to reintegrate as law-abiding, productive members. Currently, over 650,000 ex-offenders are released from Federal and State prisons each year. Within 3 years of release, two thirds will commit another crime. That is hundreds of thousands of crimes each year, and we need to bring that number down.

Finally, the bill addresses developments in crime fighting and in criminal trade craft. Mr. President, 13 years ago, online sexual predators, Internet copyright infringement, and computer hacking were virtually unknown. Today they are common crimes with real victims. This bill ensures that law enforcement has the resources and legal tools it needs to prevent, investigate, and prosecute such crimes.

The bottom line is that fighting crime is like cutting grass—you stop mowing the lawn and one day you'll look outside and see a real mess. We can't ignore crime and hope it goes away. We've made that mistake over the last 6 years, and our communities are paying the price.

We have to get back to cutting the grass. This legislation takes a comprehensive approach once again to fighting crime. It renews our financial commitment to rebuilding law enforcement capabilities at the Federal, State, and local level. It is a significant step toward making good on one of Congress's most sacred duties to our citizens protecting them from crime and fostering safe communities. I urge my colleagues to support this bill.

By Mr. BINGAMAN (for himself and Mr. HATCH):

S. 2239. A bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, today I, along with Senator HATCH, am re-introducing the Equity for Our Nation's Self-Employed Act of 2007. This important legislation corrects an inequity that currently exists in our tax code that forces the self-employed to pay payroll taxes on the funds used to pay for their health insurance while larger businesses do not. Because of this inequity, health insurance is more expensive for the self-employed. At a time when the number of people uninsured is growing at an alarming rate, we need to find ways to reduce the cost of health insurance. This legislation is a first logical step.

Under current law, corporations and other business entities are able to deduct health insurance premiums as a business expense and to forego payroll taxes on these costs. However, sole-proprietors are not allowed this same deduction and thus, are required to pay self-employment tax, their payroll tax, on health insurance premiums. The self-employed are the only segment of the business population that are additionally taxed on health insurance. The legislation we are introducing today would stop this inequitable tax treatment and allow sole proprietors to deduct the amount they pay for health insurance from their calculation of payroll taxes, leveling the playing field for the over 20 million self-employed in our Nation.

This problem affects all self-employed who provide health insurance to their families. According to the IRS, there are almost 130,000 sole-proprietors in New Mexico. While we do not know how many of these people in New Mexico have health insurance, we do know that roughly 3.8 million working families in the U.S. paid self-employment tax on their health insurance premiums. Estimates indicate that roughly 60 percent of our Nation's uninsured are either self-employed or work for a small business. According to the Kaiser Family Foundation, self-employed workers spent upwards of $12,000 per year in 2006 to provide health insurance for their family. Because they cannot deduct this as an ordinary business expense, those that spend this amount will pay a 15.3 percent payroll tax on their premiums, resulting in over $1,800 of taxes annually.

This problem was identified by the National Taxpayer Advocate in several of her annual reports to Congress and our legislation to correct it is supported by over 40 national and State organizations including the National Association for the Self-Employed, the National Small Business Association, the National Federation of Independent Business, National Association of Realtors, the U.S. Chamber of Commerce, and the U.S. Hispanic Chamber of Commerce.

I look forward to working with my colleagues to get this important legislation passed.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 2240. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARPER. Mr. President, I rise today with my mend from Maine to introduce the Volunteer Firefighter and EMS Personnel Job Protection Act.

Current law offers volunteer firefighters and emergency medical services personnel no protection against punishment by their employers should they miss work when called on to respond to a national emergency. This means that firefighters or EMS personnel volunteering their time, even during major disasters like 9/11, Hurricane Katrina, or even the current wildfires in California, can be disciplined or even fired for putting their lives at risk to save others.

We put forward this legislation today out of concern that volunteers faced with the prospect of losing their jobs and not responding to a call will choose the latter. Its passage would protect volunteers from having to make that choice when the call is to a Presidentially-declared disaster or emergency.

In order to receive the protections offered under the bill, a first responder would need to provide reasonable notice to their employer before missing time and would need to provide regular updates during the course of their absence. The bill also allows volunteer firefighters or EMS personnel to take legal action against businesses that fire or discipline an individual who gives appropriate notice before missing work due to a legitimate emergency situation.

In order to prevent abuse, the bill places a 14-day limit on the amount of time volunteer firefighters or EMS workers could take off from their jobs before being subject to disciplinary action. The bill also does not require employers to compensate volunteers for time away from work.

Communities across the country depend on volunteer firefighters and EMS personnel to respond to major disasters. My State is among them. In fact, most communities in Delaware rely almost exclusively on the work and sacrifice of volunteers to protect their citizens from fires to major disasters. This bill seeks to ensure that Delawareans can continue to rely on them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2240

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 ''Volunteer Firefighter and EMS Personnel Job Protection Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) EMERGENCY.—The term ''emergency'' has the meaning given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(2) MAJOR DISASTER.—The term ''major disaster'' has the meanings given such term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) QUALIFIED VOLUNTEER FIRE DEPARTMENT.—The term ''qualified volunteer fire department'' has the meaning given such term in section 150(e) of the Internal Revenue Code of 1986.

(4) VOLUNTEER EMERGENCY MEDICAL SERVICES.—The term ''volunteer emergency medical services'' means emergency medical services performed on a voluntary basis for a fire department or other emergency organization.

(5) VOLUNTEER FIREFIGHTER.—The term ''volunteer firefighter'' means an individual who is a member in good standing of a qualified volunteer fire department.

SEC. 3. TERMINATION OF EMPLOYMENT OF VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL PROHIBITED.

(a) TERMINATION PROHIBITED.—No employee may be terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment because such employee is absent from or late to the employee's employment for the purpose of serving as a volunteer firefighter or providing volunteer emergency medical services as part of a response to an emergency or major disaster.

(b) DEPLOYMENT.—The prohibition in subsection (a) shall apply to an employee serving as a volunteer firefighter or providing volunteer emergency medical services if such employee—

(1) is specifically deployed to respond to the emergency or major disaster in accordance with a coordinated national deployment system such as the Emergency Management Assistance Compact or a pre-existing mutual aid agreement; or

(2) is a volunteer firefighter who—

(A) is a member of a qualified volunteer fire department that is located in the State in which the emergency or major disaster occurred;

(B) is not a member of a qualified fire department that has a mutual aid agreement with a community affected by such emergency or major disaster; and

(C) has been deployed by the emergency management agency of such State to respond to such emergency or major disaster.

(c) LIMITATIONS.—The prohibition in subsection (a) shall not apply to an employee who—

(1) is absent from the employee's employment for the purpose described in subsection (a) for more than 14 days per calendar year;

(2) responds on the emergency or major disaster without being officially deployed as described in subsection (b); or

(3) fails to provide the written verification described in subsection (e) within a reasonable period of time.

(d) WITHHOLDING OF PAY.—An employer may reduce an employee's regular pay for any time that the employee is absent from the employee's employment for the purpose described in subsection (a).

(e) VERIFICATION.—An employer may require an employee to provide a written verification from the official of the Federal Emergency Management Agency supervising the Federal response to the emergency or major disaster or a local or State official managing the local or State response to the emergency or major disaster that states—

(1) the employee responded to the emergency or major disaster in an official capacity; and

(2) the schedule and dates of the employee's participation in such response.

(f) REASONABLE NOTICE REQUIRED.—An employee who may be absent from or late to the employee's employment for the purpose described in subsection (a) shall—

(1) make a reasonable effort to notify the employee's employer of such absence; and

(2) continue to provide reasonable notifications over the course of such absence.

SEC. 4. RIGHT OF ACTION.

(a) RIGHT OF ACTION.—An individual who has been terminated, demoted, or in any other manner discriminated against in the terms and conditions of employment in violation of the prohibition described in section 3 may bring, in a district court of the United States of appropriate jurisdiction, a civil action against individual's employer seeking—

(1) reinstatement of the individual's former employment;

(2) payment of back wages;

(3) reinstatement of fringe benefits; and

(4) if the employment granted seniority rights, reinstatement of seniority rights.

(b) LIMITATION.—The individual shall commence a civil action under this section not later than 1 year after the date of the violation of the prohibition described in section 3.

SEC. 5. STUDY AND REPORT.

(a) STUDY.—The Secretary of Labor shall conduct a study on the impact that this Act could have on the employers of volunteer firefighters or individuals who provide volunteer emergency medical services and who may be called on to respond to an emergency or major disaster.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Labor shall submit to the appropriate congressional committees a report on the study conducted under subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means the Committee on Health, Education, Labor, and Pensions and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Education and the Workforce and the Committee on Small Business of the House of Representatives.

Ms. COLLINS. Mr. President. I rise to offer my wholehearted support for the bill offered by the distinguished Senator from Delaware to provide some reasonable measure of job protection for the volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in state and federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home state of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is dangerous. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 workdays.

The bill imposes no unreasonable burdens on employers. They are not obliged to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

The Volunteer Firefighter and EMS Personnel Job Protection Act is a straightforward matter of simple justice and sound policy. By extending some protection to these brave men and women, we can strengthen the protection and life-saving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original co-sponsor.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2241. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of public land under the jurisdiction of those agencies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. ALLARD. Mr. President, I have just introduced a piece of legislation called the Public Land Fire Regulation Enforcement Act. I wish to spend a moment talking about that.

Mother Nature possesses a beauty like no other; this beauty sometimes

allows us to forget the ferocious might that she can bring to bear. The tragic fires in California provide an all too real reminder of this.

My thoughts and prayers are with folks in California, because it was not so long ago that Colorado fund itself in a similar situation. Each year people out West live with the constant and growing threat of wildfire. In 2002, nearly 400,000 acres burned. Then Governor Bill Owens said that ''all of Colorado is burning''.

Unfortunately, some folks—through ignorance, carelessness, or malice—ignore Federal guidelines and start fires during high risk times. In order to deter this action and provide an added measure of security Senator SALAZAR and I are introducing the Public Land Fire Regulations Enforcement Act. This bill will strengthen current law by increasing the penalties for individuals who disregard public safety and start fires during restricted times. It increases possible fines and doubles the maximum time violators could spend in jail.

I hope that the fires burning in California are contained soon and that the damage is minimized as much as possible. I also hope that the legislation I introduce today will help prevent future catastrophic fires from being started.

By Mr. SPECTER (for himself and Mr. WYDEN):

S. 2243. A bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes; to the Committee on Foreign Relations.

Mr. SPECTER. Mr. President. I have sought recognition to offer legislation to encourage Saudi Arabia to halt its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents.

I offer this bill on behalf of myself and Senator WYDEN.

Since the attacks of September 11, 2001, evidence has emerged indicating that support for al-Qaeda, Ramas, and other organizations has come from Saudi Arabia.

Testimony presented to several Congressional committees, including the Senate Governmental Affairs Committee, Judiciary Committee, and Intelligence committees in both houses, has indicated that Saudi Arabia is an epicenter for terrorist financing. These committees have also found the Saudi government's cooperation in investigations into the al-Qaeda terrorist network has been lackluster.

In the 108 Congress, as a member of the Governmental Affairs Committee and as a member of the Judiciary Committee, we worked to establish a basic point that anybody who knowingly contributes to a terrorist organization is an accessory before the fact to murder; so when people contribute to al-Qaeda or Hamas, knowing that both organizations employ suicide bombers, they are accessories to murder.

United Nations Security Council Resolution 1373, adopted in 2001, mandates that all States ''refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts,'' take ''the necessary steps to prevent the commission of terrorist acts,'' and ''deny safe haven to those who finance, plan, support, or commit terrorist acts.'' There is mounting evidence that Saudi Arabia has not been compliant with this resolution.

The 9/11 Commission interviewed numerous military officers and government officials who repeatedly listed Saudi Arabia as a prime place for terrorists to set up bases and found that ''Saudi Arabia's society was a place where al-Qaeda raised money directly from individuals through charities.''

The Council on Foreign Relations concluded in a 2002 report that ''for years, individuals and charities based in Saudi Arabia have been the most important source of funds for al-Qaeda, and for years, Saudi officials have turned a blind eye.''

There are indications that, since the May 12, 2003, suicide bombings in Riyadh, the Government of Saudi Arabia is making a more serious effort to combat terrorism. That said, I would like to draw attention to the following findings recanted by organizations which have studied the record of the Saudis.

In a June 2004 report entitled ''Update on the Global Campaign Against Terrorist Financing,'' the Council on Foreign Relations reported that ''we find it regrettable and unacceptable that since September 11, 2001, we know of not a single Saudi donor of funds to terrorist groups who have been publicly punished.''

A joint committee of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives issued a report on July 24, 2003, that quotes various U.S. Government personnel who complained that the Saudis refused to cooperate in the investigation of Osama bin Laden and his network both before and after the September 11, 2001, terrorist attacks.

My frustration with the Saudi government's lack of cooperation in international counterterrorism efforts goes back more than a decade. After the Khobar Towers were bombed in 1996—an attack which cost 19 American airmen their lives and injured 400 more—I traveled to Dhahran, Saudi Arabia to see the carnage firsthand. When I arrived, U.S. investigators were being denied the opportunity to interview the suspects apprehended by the Saudis. I personally met with Crown Prince Abdullah of Saudi Arabia to request that the FBI be granted access to the prisoners. Crown Prince Abdullah said that the U.S. should not meddle in Saudi internal affairs; the murder of 19 airmen and the wounding of 400 more hardly qualifies as a Saudi internal affair.

The Saudi government continues to drag its feet when it comes to cooperation in combating terrorism. The Iraq Study Group stated that Saudi Arabia has been ''passive and disengaged'' with regard to the situation in Iraq. Passive and disengaged is unacceptable when Saudi institutions are funding, training, inciting, and encouraging many terrorist actions in Iraq.

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, ''The Kingdom is determined to continue its policy of fighting all forms of terrorism.''

According to a July 27, 2007, New York Times article, ''Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow.''

On October 23, 2007, Crown Prince Sultan bin Abdulaziz stated, ''Saudi Arabia's view is that dealing with the phenomenon of terrorism should not be confined to the mere security aspect of it but it should also be at the intellectual level.''

The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled ''Saudi Arabia's Curriculum of Intolerence,'' stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is ''simply not the case.'' On the contrary, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

A fall 2007 report by the U.S. Commission on International Religious Freedom stated that, ''Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.'' It is important to note that fifteen of the nineteen 9/11 hijackers were Saudis.

In my judgment, the U.S. has been lenient with the Saudis out of deference to Saudi oil. It is really an open scandal that we have not taken action to secure some independence from our reliance on Saudi oil. A September 2005 Government Accountability Office report stated that, ''Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large

private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. U.S. Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities.''

The 9/11 Commission recommended that the problems in our bilateral relationship with Saudi Arabia must be confronted openly—this legislation takes a step in that direction.

The legislation expresses the sense of Congress that the Government of Saudi Arabia must immediately and unconditionally: 1. permanently close all organizations in Saudi Arabia that fund, train, incite, encourage, or in any way aid and abet terrorism anywhere in the World; 2. end all funding for offshore terrorist organizations; 3. block all funding from private Saudi citizens and entities to Saudi-based or offshore terror organizations, and 4. provide complete, unrestricted, and unobstructed cooperation to the U.S. in the investigation of terror groups and individuals.

The President should certify to Congress when the Government of Saudi Arabia is fully cooperating with the U.S. in the actions listed above.

Two major objectives in the Global War on Terrorism are to deny terrorists safe haven and to eradicate the sources of terrorist financing. We cannot be successful in this war by ignoring the problem Saudi Arabia presents to our security. The government of Saudi Arabia can no longer remain idle while its citizenry continues to provide the wherewithal for terrorist groups with global reach nor can it continue to directly facilitate and support institutions that incite violence.

President Bush stated that the U.S. ''will challenge the enemies of reform, confront the allies of terror, and expect a higher standard from our friends.'' To be successful in the global war on terrorism we need the proactive and full cooperation of all nations—especially those who consider themselves allies of the U.S.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2243

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 ''Saudi Arabia Accountability Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United Nations Security Council Resolution 1373 (2001) mandates that all states ''refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts'', take ''the necessary steps to prevent the commission of terrorist acts'', and ''deny safe haven to those who finance, plan, support, or commit terrorist acts''.

(2) In 2004, the Council on Foreign Relations reported that it knew of ''not a single Saudi donor of funds to terrorist groups who has been publicly punished''.

(3) In his July 2005 testimony to the Committee on Banking, Housing, and Urban Affairs of the Senate, Stewart Levey, the Undersecretary for the Office of Terrorism and Financing Intelligence of the Department of the Treasury, reported that ''even today, we believe that Saudi donors may still be a significant source of terrorist financing, including for the insurgency in Iraq''. He added that Saudi financiers and charities ''remain a key source for the promotion of ideologies used by terrorists and violent extremists''.

(4) According to a July 27, 2007 New York Times article, ''Of an estimated 60 to 80 foreign fighters who enter Iraq each month, American military and intelligence officials say that nearly half are coming from Saudi Arabia and that the Saudis have not done enough to stem the flow.''.

(5) According to a July 15, 2007 Los Angeles Times article, ''About 45% of all foreign militants targeting U.S. troops and Iraqi civilians and security forces are from Saudi Arabia . . . according to official U.S. military figures made available to The Times by the senior officer. Nearly half of the 135 foreigners in U.S. detention facilities in Iraq are Saudis, he said. Fighters from Saudi Arabia are thought to have carried out more suicide bombings than those of any other nationality, said the senior U.S. officer, who spoke on condition of anonymity because of the subject's sensitivity.''.

(6) The Center for Religious Freedom, formerly affiliated with Freedom House, in a 2006 report entitled ''Saudi Arabia's Curriculum of Intolerance'', stated that despite 2005 statements by the Saudi Foreign Minister that their educational curricula have been reformed, this is ''simply not the case''. Contrarily, religious textbooks continue to advocate the destruction of any non-Wahhabi Muslim. Saudi Arabia has established Wahhabism, an extreme form of Islam, as the official state doctrine, and about 5,000,000 children are instructed each year in Islamic studies using Saudi Ministry of Education textbooks.

(7) A Fall 2007 United States Commission on International Religious Freedom report stated ''Due to insufficient information provided by the Saudi government, the Commission could not verify that a formal mechanism exists within the Saudi government to review thoroughly and revise educational texts and other materials sent outside of Saudi Arabia. It appears that the Saudi government has made little or no progress on efforts to halt the exportation of extremist ideology outside the Kingdom.''.

(8) A September 2005 Government Accountability Office report stated that ''Saudi Arabia's multibillion-dollar petroleum industry, although largely owned by the government, has fostered the creation of large private fortunes, enabling many wealthy Saudis to sponsor charities and educational foundations whose operations extend to many countries. United States Government and other expert reports have linked some Saudi donations to the global propagation of religious intolerance, hatred of Western values, and support of terrorist activities''.

(9) A June 2004 press release on the website of the Saudi embassy, www.saudiembassy.net, discussed the creation of the Saudi National Commission for Relief and Charity Work Abroad, a non-governmental body designed to ''take over all aspects of private overseas aid operations and assume responsibility for the distribution of private charitable donations from Saudi Arabia'' in order to ''guard against money laundering and the financing of terrorism''. As of late 2007, this Commission had not been created.

(10) In a February 2006 open Senate Select Committee on Intelligence hearing on the ''World Wide Threat'', former Director of National Intelligence and current Deputy Secretary of State John Negroponte, stated that ''there are private Saudi citizens who still engage in these kinds of donations [in which money is transferred back door to terrorists]''.

(11) A March 2005 report by the Congressional Research Service stated that at least 5 persons listed as beneficiaries of the Saudi Committee for the Support of the Al Quds Intifada were suspected suicide bombers.

(12) During November 8, 2005 testimony on Saudi Arabia before the Subcommittee on Terrorism, Technology, and Homeland Security of the Committee on the Judiciary of the Senate, Steve Emerson, terrorism expert and Executive Director of the Investigative Project on Terrorism, stated that despite repeated declarations by Saudi officials that there has been substantial reform in education, progress against terrorism, and movement toward transparency, a review of other Saudi announcements shows that they have either specifically failed to follow through or cannot be proven to have followed through on their pledges. He also noted that the Saudi government established the Saudi Committee for the Support of the Al Quds Intifada, which was proven to provide aid to Palestinian terrorist groups. During an Israeli raid on a Hamas institution, they discovered a spreadsheet from the aforementioned committee giving a detailed account about how they received $545,000 from the committee to allocate to 102 families of so-called martyrs. The spreadsheet included the names of 8 suicide bombers.

(13) A January 2007 Congressional Research Service Report on Saudi Arabia's terrorist-financing activities indicated that although the records portion of the Committee for the Support of the Al Quds Intifada was deactivated in March 2005, of the 1,300 listed beneficiaries, over 60 matched or closely resembled the names of known Palestinian militants who carried out attacks against Israel between October 2000 and March 2002.

(14) The final report of the Presidentially-appointed Iraq Study Group stated that ''funding for the Sunni insurgency in Iraq comes from private donors in Saudi Arabia and other Gulf states''.

(15) A January 2005 report by the Center for Religious Freedom found that Saudi Arabia was creating and distributing, through its embassy in Washington, D.C., material promoting hatred, intolerance, and violence at mosques and Islamic centers in the United States.

(16) On December 14, 2005, R. James Woolsey, former Director of Central Intelligence wrote, ''Over the long run, this movement [Wahhabism] is in many ways the most dangerous of the ideological enemies we face.'' Mr. Woolsey also explained that ''al Qaeda and the Wahhabis share essentially the same underlying totalitarian theocratic ideology. It is this common Salafist ideology that the Wahhabis have been spreading widely—financed by $3-4 billion/year from the Saudi government and wealthy individuals in the Middle East over the last quarter century—to the madrassas of Pakistan, the textbooks of Turkish children in Germany, and the mosques of Europe and the U.S.''.

(17) According to a May 2006 report by the Center for Religious Freedom, official Saudi religious textbooks continue to teach hatred of those who do not follow Wahhabi Muslim doctrine and encourage jihad against such

''infidels'' and ''the Saudi public school religious curriculum continues to propagate an ideology of hate toward the unbeliever . . . [A] text instructs students that it is a religious obligation to do 'battle' against infidels in order to spread the faith''.

(18) In May 2006, the Congressional Research Service reported that ''Saudi Arabia has discussed increasing boycott efforts against Israel, despite their WTO [World Trade Organization] obligations''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is imperative that the Government of Saudi Arabia immediately and unconditionally—

(A) permanently close all charities, schools, or other organizations or institutions in the Kingdom of Saudi Arabia that fund, train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as ''Saudi-based terror organizations''), including by means of providing support for the families of individuals who have committed acts of terrorism;

(B) end funding or other support by the Government of Saudi Arabia for charities, schools, and any other organizations or institutions outside the Kingdom of Saudi Arabia that train, incite, encourage, or in any other way aid and abet terrorism anywhere in the world (referred to in this Act as ''offshore terror organizations''), including by means of providing support for the families of individuals who have committed acts of terrorism;

(C) block all funding from private Saudi citizens and entities to any Saudi-based terror organization or offshore terrorism organization; and

(D) provide complete, unrestricted, and unobstructed cooperation to the United States, including the unsolicited sharing of relevant intelligence in a consistent and timely fashion, in the investigation of groups and individuals that are suspected of financing, supporting, plotting, or committing an act of terror against United States citizens anywhere in the world, including within the Kingdom of Saudi Arabia; and

(2) the President, in determining whether to make the certification described in section 4, should judge whether the Government of Saudi Arabia has continued and sufficiently expanded its efforts to combat terrorism since the May 12, 2003 bombing in Riyadh.

SEC. 4. PRESIDENTIAL CERTIFICATION.

The President shall certify to the appropriate congressional committees when the President determines that the Government of Saudi Arabia—

(1) is fully cooperating with the United States in investigating and preventing terrorist attacks;

(2) has permanently closed all Saudi-based Wahhabbist organizations that fund Islamic extremism, internally and abroad;

(3) has exercised maximum efforts to block all funding from private Saudi citizens, corporations, and entities, to foreign Islamic extremist and terrorist movements; and

(4) has stopped financing and disseminating materials, and other forms of support, that encourage the spread of radical Wahhabi ideology.

SEC. 5. STATUS REPORT.

(a) REQUIREMENT FOR REPORT.—Not later than 6 months after the date of the enactment of this Act, and every 12 months thereafter until the President makes the certification described in section 4, the Secretary of State shall submit a report to the appropriate congressional committees that describes the progress made by the Government of Saudi Arabia toward meeting the conditions described in paragraphs (1) through (4) of section 4.

(b) FORM.—The report submitted under subsection (a) shall be in unclassified form and may include a classified annex.

SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

By Mr. REID (for Mrs. CLINTON):

S. 2244. A bill to require the Secretary of Health and Human Services to carry out demonstration projects and outreach programs for the identification and abatement of lead hazards, to establish the Joint Task Force on Lead-Based Hazards and the Task Force on Children's Environmental Health and Safety, to strengthen the authority of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise to introduce the Lead Elimination, Abatement and Poisoning Prevention Act of 2007, legislation that would help us address the threat of lead poisoning among children.

We have made enormous strides in reducing exposure to lead since its use was phased out in gasoline and residential paint more than twenty years ago. From 1976 to 1994, we reduced the number of children from age 1 to 5 with elevated blood lead levels from more than 75 percent of the population to slightly over 4 percent of the population, according to the Centers for Disease Control and Prevention, CDC. And many local governments have responded to existing lead hazards through intensive interventions.

In my state, for example, Rochester is just one of the cities that have increased their efforts to address elevated blood lead levels among their residents. In 2002, Rochester estimated that nearly 25 percent of its children had blood lead levels that exceeded the CDC's standard of 10 micrograms per deciliter. Rochester embarked on efforts to engage in residential lead remediation and abatement, particularly among the 80 percent of its housing stock identified as having lead-based paint. By 2005, according to the Monroe County Department of Health, out of more than 13,000 children screened, the number with elevated blood lead levels had dropped to less than 5 percent—a marked reduction from only three years before. Yet these levels are still high, and Rochester continues to work to reduce that level even further, continuing efforts to identify and address the sources of lead poisoning with a coalition of stakeholders.

These are the types of interventions we should be supporting, because there are still far too many children in Rochester and other places around our country who are at risk for lead poisoning. The CDC estimates that more than 300,000 children have elevated blood lead levels. Many of these children are at risk due to existing lead-based paint in their homes. To address this concern, I have introduced legislation—the Home-Based Lead Safety Tax Credit Act—which will help families and landlords remediate and abate lead-based hazards in residences.

But as recent events have shown us, residential lead paint is not the only source of exposure to lead hazards. This past summer, families experienced wave after wave of recalls for products containing lead hazards—products that were all targeted for use by children, including toys, bibs, and notebooks. Hundreds of thousands of children have been needlessly exposed to lead-contaminated products, and I have written to both President Bush and the Acting Commissioner of the Consumer Product Safety Commission to urge them to undertake the reforms necessary to strengthen this agency.

Our Government's Healthy People 2010 Objectives includes the goal of eliminating elevated blood lead levels in children. The Environmental Protection Agency's Strategic Plan for 2006–2011 also sets the goal of eliminating elevated blood lead levels in American children by 2010. But if we keep along our current path, we will not attain those goals. We must increase our commitment at our federal agencies to address this issue, provide our state and local governments with the tools to mobilize the multiple stakeholders involved in lead abatement and poisoning prevention, and increase our efforts to educate families about ways to protect their children from lead exposure.

We need to take a comprehensive approach to lead poisoning prevention, which is why I am introducing the LEAPP Act today. This legislation will do the following:

In far too many cases, a single dwelling accounts for multiple childhood lead poisonings. This bill would establish a pilot project to increase collaboration between state and local health departments, housing agencies, and environmental departments to identify these ''repeat offender'' houses, take steps to remediate or remove the existing lead hazards and treat children who have been exposed. This program would be authorized at $5 million annually from fiscal years 2008 to 2012.

Currently, the federal government has multiple programs designed to addressing lead-based hazards and increase lead poisoning prevention. The LEAPP Act would consolidate these task forces to improve coordination among all agencies, as well as state, local and community stakeholders, and have them develop a strategic plan to maximize resources for Federal Government resources.

The President's Task Force on Environmental Health Risks and Safety Risks to Children was established in 1997 to help coordinate the overall environmental health work in the Executive Branch. The LEAPP Act would codify the Task Force to facilitate

high-level federal coordination for initiatives that improve children's environmental health, including lead poisoning prevention and abatement.

While exposure to lead paint remains a primary hazard, other sources for lead poisoning are imported products with high levels of lead and traditional medications that contain lead. The LEAAP Act would authorize the Office of Minority Health and the Office of Refugee Resettlement to engage in community-based partnerships to increase culturally appropriate education and outreach campaigns to reduce lead hazard exposure.

Since lead accumulates in bones, many pregnant women may unknowingly have elevated blood lead levels, which may be passed to their children or cause toxic effects on their own organs. Through identifying and screening women during pregnancy, we can work to improve the health of the mother, her child, and the overall family. The LEAPP Act would establish pilot projects to incorporate risk assessment, screening and treatment as part of prenatal care for Medicaid populations. This program would be authorized at $5 million annually for each of fiscal years 2008 through 2012.

Current law does not require landlords and homeowners to conduct lead-based paint inspections before they can lease or sell their homes. This legislation not only requires landlords to conduct these inspections, but also produce documentation of these inspections and remediate any lead-based paint hazards found as a result of these inspections before leasing or selling homes.

Far too many children are exposed to lead-based paint in their homes only to return to the same home after being diagnosed as having contracted lead poisoning. Under this bill, if the primary residence of a child who is less than 6 years of age is in a unit of public or private housing, and such child is diagnosed by a certified medical practitioner as having contracted lead poisoning, the public housing authority or landlord for such residence shall immediately temporarily relocate the affected family, conduct an inspection and risk assessment for lead, and completely abate the unit in which such child resided.

Current law and regulation that aim to reduce lead-based poisoning in homes do not cover all housing units. If we are to reach our goal of eliminating lead poisoning by 2010, we must extend the reach of current law and regulations to cover all housing units. This bill will extend that coverage to zero bedroom housing, housing for the elderly and persons with disabilities. Doing so will provide protections for children without regard for the type of dwelling in which they reside.

The Low Income Housing Tax Credit is the federal government's largest housing rehabilitation program. Despite this fact, the LIHTC does not have a single lead-based hazard control requirement. This legislation sets aside 5 percent of the LIHTC funding for lead-based hazard control measures.

Although weatherization measures can improve energy efficiency and save homeowners on energy cost, these measures can also create lead hazards in homes. To protect our children from these hazards, this legislation requires weatherization programs to do lead hazard controls as part of their weatherization work.

I look forward to working with my colleagues to continue our efforts to protect children against lead poisoning.

By Mr. DURBIN:

S. 2245. A bill to establish a comission to ensure food safety in the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2245

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 ''Food Safety Authority Modernization Act''.

SEC. 2. CONGRESSIONAL BIPARTISAN FOOD SAFETY COMMISSION.

(a) COMMISSION.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established a commission to be known as the ''Congressional Bipartisan Food Safety Commission'' (referred to in this Act as the ''Commission'').

(B) PURPOSE.—The purpose of the Commission shall be to act in a bipartisan, consensus-driven fashion—

(i) to review the food safety system of the United States;

(ii) to prepare a report that—

(I) summarizes information about the food safety system as in effect as of the date of enactment of this Act; and

(II) makes recommendations on ways—

(aa) to modernize the food safety system of the United States;

(bb) to harmonize and update food safety statutes;

(cc) to improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership;

(dd) to best allocate scarce resources according to risk;

(ee) to ensure that regulations, directives, guidance, and other standards and requirements are based on best-available science and technology;

(ff) to emphasize preventative rather than reactive strategies; and

(gg) to provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and

(iii) to draft specific statutory language, including detailed summaries of the language and budget recommendations, that would implement the recommendations of the Commission.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 19 members.

(B) ELIGIBILITY.—Members of the Commission shall—

(i) have specialized training, education, or significant experience in at least 1 of the areas of—

(I) food safety research;

(II) food safety law and policy; and

(III) program design and implementation;

(ii) consist of—

(I) the Secretary of Agriculture (or a designee);

(II) the Secretary of Health and Human Services (or a designee);

(III) 1 Member of the House of Representatives; and

(IV) 1 Member of the Senate; and

(V) 15 additional members that include, to the maximum extent practicable, representatives of—

(aa) consumer organizations;

(bb) agricultural and livestock production;

(cc) public health professionals;

(dd) State regulators;

(ee) Federal employees; and

(ff) the livestock and food manufacturing and processing industry.

(C) APPOINTMENTS.—

(i) IN GENERAL.—The appointment of the members of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(ii) CERTAIN APPOINTMENTS.—Of the members of the Commission described in subparagraph (B)(ii)(V)—

(I) 2 shall be appointed by the President;

(II) 7 shall be appointed by a working group consisting of—

(aa) the Chairman of each of the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate;

(bb) the Chairman of each of the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives;

(cc) the Speaker of the House of Representatives; and

(dd) the Majority Leader of the Senate; and

(III) 6 shall be appointed by a working group consisting of—

(aa) the Ranking Member of each of the Committees described in items (aa) and (bb) of subclause (II);

(bb) the Minority Leader of the House of Representatives; and

(cc) the Minority Leader of the Senate.

(D) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—Except as provided in subparagraph (B), the initial meeting of the Commission shall be conducted in Washington, District of Columbia, not later than 30 days after the date of appointment of the final member of the Commission under paragraph (2)(C).

(B) MEETING FOR PARTIAL APPOINTMENT.—If, as of the date that is 90 days after the date of enactment of this Act, all members of the Commission have not been appointed under paragraph (2)(C), but at least 8 members have been appointed, the Commission may hold the initial meeting of the Commission.

(C) OTHER MEETINGS.—The Commission shall—

(i) hold a series of at least 5 stakeholder meetings to solicit public comment, including—

(I) at least 1 stakeholder meeting, to be held in Washington, District of Columbia; and

(II) at least 4 stakeholder meetings, to be held in various regions of the United States; and

(ii) meet at the call of—

(I) the Chairperson;

(II) the Vice-Chairperson; or

(III) a majority of the members of the Commission.

(D) PUBLIC PARTICIPATION; INFORMATION.—To the maximum extent practicable—

(i) each meeting of the Commission shall be open to the public; and

(ii) all information from a meeting of the Commission shall be recorded and made available to the public.

(E) QUORUM.—With respect to meetings of the Commission—

(i) a majority of the members of the Commission shall constitute a quorum for the conduct of business of the Commission; but

(ii) for the purpose of a stakeholder meeting described in subparagraph (C)(i), 4 or more members of the Commission shall constitute a quorum.

(F) FACILITATOR.—The Commission shall contract with a nonpolitical, disinterested third-party entity to serve as a meeting facilitator.

(4) CHAIRPERSON AND VICE-CHAIRPERSON.—At the initial meeting of the Commission, the members of the Commission shall select from among the members a Chairperson and Vice-Chairperson of the Commission.

(b) DUTIES.—

(1) RECOMMENDATIONS.—The Commission shall review and consider the statutes, studies, and reports described in paragraph (2) for the purpose of understanding the food safety system of the United States in existence as of the date of enactment of this Act.

(2) STATUTES, STUDIES, AND REPORTS.—The statutes, studies, and reports referred to in paragraph (1) are—

(A) with respect with respect to laws administered by the Secretary of Agriculture—

(i) the Federal Seed Act (7 U.S.C. 1551 et seq.);

(ii) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(iii) the Animal Health Protection Act (7 U.S.C. 8301 et seq.);

(iv) the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.);

(v) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(vi) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.); and

(vii) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(B) with respect to laws administered by the Secretary of the Treasury, the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.);

(C) with respect to laws administered by the Federal Trade Commission, the Act of September 26, 1914 (15 U.S.C. 41 et seq.);

(D) with respect to laws administered by the Secretary of Health and Human Services—

(i) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(ii) the Public Health Service Act (42 U.S.C. 201 et seq.);

(iii) the Import Milk Act (21 U.S.C. 141 et seq.);

(iv) the Food Additives Amendment of 1958 (Public Law 85–929; 52 Stat. 1041);

(v) the Fair Packaging and Labeling Act (Public Law 89–755; 80 Stat. 1296);

(vi) the Infant Formula Act of 1980 (21 U.S.C. 301 note; Public Law 96–359);

(vii) the Pesticide Monitoring Improvements Act of 1988 (Public Law 100–418; 102 Stat. 1411);

(viii) the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 301 note; Public Law 101–535);

(ix) the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 301 note; Public Law 105–115); and

(x) the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (21 U.S.C. 201 note; Public Law 107–188);

(E) with respect to laws administered by the Attorney General, the Federal Anti-Tampering Act (18 U.S.C. 1365 note; Public Law 98–127);

(F) with respect to laws administered by the Administrator of the Environmental Protection Agency—

(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(ii) the Food Quality Protection Act of 1996 (7 U.S.C. 136 note; Public Law 104–170);

(iii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(iv) the Safe Drinking Water Act of 1974 (42 U.S.C. 201 note; Public Law 93–523); and

(G) with respect to laws administered by the Secretary of Transportation, chapter 57 of subtitle II of title 49, United States Code (relating to sanitary food transportation); and

(H) with respect to Government studies on food safety—

(i) the report of the National Academies of Science entitled ''Ensuring Safe Food from Production to Consumption'' and dated 1998;

(ii) the report of the National Academies of Science entitled ''Scientific Criteria to Ensure Safe Food'' and dated 2003;

(iii) reports of the Office of the Inspector General of the Department of Agriculture, including—

(I) report 24601–0008–CH, entitled ''Egg Products Processing Inspection'' and dated September 18, 2007;

(II) report 24005–1–AT, entitled ''Food Safety and Inspection Service—State Meat and Poultry Inspection Programs'' and dated September 27, 2006;

(III) report 24601–06–CH, entitled ''Food Safety and Inspection Service's In-Plant Performance System'' and dated March 28, 2006;

(IV) report 24601–05–AT, entitled ''Hazard Analysis and Critical Control Point Implementation at Very Small Plants'' and dated June 24, 2005;

(V) report 24601–04–HY, entitled ''Food Safety and Inspection Service Oversight of the 2004 Recall by Quaker Maid Meats, Inc.'' and dated May 18, 2005;

(VI) report 24501–01–FM, entitled ''Food Safety and Inspection Service Application Controls—Performance Based Inspection System'' and dated November 24, 2004;

(VII) report 24601–03–CH, entitled ''Food Safety and Inspection Service Use of Food Safety Information'' and dated September 30, 2004;

(VIII) report 24601–03–HY, entitled ''Food Safety and Inspection Service Effectiveness Checks for the 2002 Pilgrim's Pride Recall'' and dated June 29, 2004;

(IX) report 24601–02–HY, entitled ''Food Safety and Inspection Service Oversight of the Listeria Outbreak in the Northeastern United States'' and dated June 9, 2004;

(X) report 24099–05–HY, entitled ''Food Safety and Inspection Service Imported Meat and Poultry Equivalence Determinations Phase III'' and dated December 29, 2003;

(XI) report 24601–2–KC, entitled ''Food Safety and Inspection Service—Oversight of Production Process and Recall at Conagra Plant (Establishment 969)'' and dated September 30, 2003;

(XII) report 24601–1–Ch, entitled ''Laboratory Testing Of Meat And Poultry Products'' and dated June 21, 2000;

(XIII) report 24001–3–At, 24601–1–Ch, 24099–3–Hy, 24601–4–At, entitled ''Food Safety and Inspection Service: HACCP Implementation, Pathogen Testing Program, Foreign Country Equivalency, Compliance Activities'' and dated June 21, 2000; and

(XIV) report 24001–3–At, entitled ''Implementation of the Hazard Analysis and Critical Control Point System'' and dated June 21, 2000; and

(I) with respect to reports prepared by the Government Accountability Office, the reports designated—

(i) GAO–05–212;

(ii) GAO–02–47T;

(iii) GAO/T–RCED–94–223;

(iv) GAO/RCED–99–80;

(v) GAO/T–RCED–98–191;

(vi) GAO/RCED–98–103;

(vii) GAO–07–785T;

(viii) GAO–05–51;

(ix) GAO/T–RCED–94–311;

(x) GAO/RCED–92–152;

(xi) GAO/T–RCED–99–232;

(xii) GAO/T–RCED–98–271;

(xiii) GAO–07–449T;

(xiv) GAO–05–213;

(xv) GAO–04–588T;

(xvi) GAO/RCED–00–255;

(xvii) GAO/RCED–00–195; and

(xviii) GAO/T–RCED–99–256.

(3) REPORT.—Not later than 360 days after the date on which the Commission first meets, the Commission shall submit to the President and Congress a report that includes the report and summaries, statutory language recommendations, and budget recommendations described in clauses (ii) and (iii) of subsection (a)(1)(B).

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any member of the Commission, may, for the purpose of carrying out this section—

(A) hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials;

as the Commission or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—A subpoena issued under paragraph (1)(B) shall—

(i) bear the signature of the Chairperson of the Commission; and

(ii) be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the district in which the subpoenaed person resides, is served, or may be found may issue an order requiring the person to appear at any designated place to testify or to produce documentary or other evidence.

(C) NONCOMPLIANCE.—Any failure to obey the order of the court may be punished by the court as a contempt of court.

(D) WITNESS ALLOWANCES AND FEES.—

(i) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested or subpoenaed to appear at a hearing of the Commission.

(ii) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal agency, such information as the Commission considers necessary to carry out this section.

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a Federal agency described in subparagraph (A) shall expeditiously furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a Federal agency to the Commission shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—For purposes of section 1905 of title 18, United States Code—

(i) the Commission shall be considered an agency of the Federal Government; and

(ii) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under this section shall be considered an employee of the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) MEMBERS.—

(A) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) EXECUTIVE DIRECTOR.—Not later than 30 days after the Chairperson and Vice-Chairperson of the Commission are selected under subsection (a)(4), the Chairperson and Vice-Chairperson shall jointly select an individual to serve as executive director of the Commission.

(B) ADDITIONAL STAFF.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate the appointment of such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(C) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director under this paragraph shall be subject to confirmation by the Commission.

(D) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level II of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as is permitted by law.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson, Vice-Chairperson, and executive director of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of that title.

(e) FUNDING AND SUPPORT SERVICES.—For each fiscal year, the Secretary of Agriculture and the Secretary of Health and Human Services shall provide to fund the Commission and carry out this section—

(1) from funds made available to the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and amounts made available for the Office of the Secretary of Health and Human Services from appropriations Acts, such equal amounts as are necessary to fund the Commission and otherwise carry out this section; and

(2) such equal contributions of support services as are necessary to assist the Commission in carrying out the duties of the Commission under this section.

(f) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the report under subsection (b)(2).

SEC. 3. TERMINATION OF AUTHORITY RELATING TO FOOD AND FOOD SAFETY.

(a) TERMINATION OF AUTHORITY.—The budget authority to implement the provisions of law described in subsection (b) relating to food and food safety shall terminate on the date that is 2 years after the date of enactment of this Act.

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are—

(1) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(2) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(3) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.); and

(4) chapters I through IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 356—AFFIRMING THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN MUST BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED

Mr. DURBIN (for himself and Mr. SANDERS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 356

Whereas Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war: Now, therefore, be it

Resolved, That any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, supra.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, supra; which was ordered to lie on the table.

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, supra.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3455. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

Strike subsection (a) of section 219.

SA 3456. Mr. SUNUNU proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 35, strike line 1 and all that follows through ''(A)'' on line 4 and insert the following:

''(b) IMPLEMENTATION.—Pursuant to any rules or regulations promulgated under subsection (a)

On page 35, strike lines 11 through 16.

SA 3457. Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. STRATEGIC PLAN ON EXPANDED CROSS-BORDER PASSENGER RAIL SERVICE DURING THE 2010 OLYMPIC GAMES.

Not later than 120 days after the date of the enactment of this Act, Amtrak shall, in consultation with the Secretary of Homeland Security, the Washington State Department of Transportation, and the Burlington Northern Santa Fe Railway—

(1) develop a strategic plan to facilitate expanded passenger rail service across the international border between the United States and Canada during the 2010 Olympic Games on the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'');

(2) develop recommendations for the Department of Homeland Security to process efficiently rail passengers traveling on Amtrak Cascades across such international border during the 2010 Olympic Games; and

(3) submit to Congress a report containing the strategic plan described in paragraph (1) and the recommendations described in paragraph (2).

SA 3458. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, after line 25, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. COMPREHENSIVE PRECLEARANCE INSPECTIONS FOR RAIL PASSENGERS TRAVELING INTO THE UNITED STATES ON THE AMTRAK CASCADES ROUTE.

(a) IN GENERAL.—Not later than December 31, 2009, the Secretary of Homeland Security shall provide comprehensive preclearance inspections, including customs inspections, at the Pacific Central Station in Vancouver, British Columbia, Canada, for passengers traveling into the United States on the Amtrak passenger rail route that travels between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades'').

(b) PROGRESS REPORTS.—Not later than 180 days and 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report describing the progress of the Department of Homeland Security toward providing the comprehensive preclearance inspections described in subsection (a).

SA 3459. Mrs. MURRAY proposed an amendment to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON SERVICE DELAYS ON CERTAIN PASSENGER RAIL ROUTES.

Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Transportation shall submit to Congress a report that—

(1) describes service delays and the sources of such delays on—

(A) the Amtrak passenger rail route between Seattle, Washington, and Los Angeles, California (commonly known as the ''Coast Starlight''); and

(B) the Amtrak passenger rail route between Vancouver, British Columbia, Canada, and Eugene, Oregon (commonly known as ''Amtrak Cascades''); and

(2) contains recommendations for improving the on-time performance of such routes.

SA 3460. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

On page 63, line 9, insert '', infrastructure,'' after ''facilities''.

SA 3461. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; as follows:

At the end of title III, add the following:

SEC. 306. PASSENGER RAIL SYSTEM COMPARISON STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall complete a study that compares the passenger rail system in the United States with the passenger rail systems in Canada, Germany, Great Britain, and Japan.

(b) ISSUES TO BE STUDIED.—The study conducted under subsection (a) shall include a country-by-country comparison of—

(1) the development of high speed rail;

(2) passenger rail operating costs;

(3) the amount and payment source of rail line construction and maintenance costs;

(4) the amount and payment source of station construction and maintenance costs;

(5) passenger rail debt service costs;

(6) passenger rail labor agreements and associated costs;

(7) the net profit realized by the major passenger rail service providers in each of the 4 most recent quarters;

(8) the percentage of the passenger rail system's costs that are paid from general government revenues; and

(9) the method used by the government to provide the subsidies described in paragraph (8).

(c) REPORT.—Not later than 180 days after the completion of the study under subsection (a), the Comptroller General shall submit a report containing the findings of such study to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

SA 3462. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AFFIRMATION THAT ANY OFFENSIVE MILITARY ACTION TAKEN AGAINST IRAN SHALL BE EXPLICITLY APPROVED BY CONGRESS BEFORE SUCH ACTION MAY BE INITIATED.

The Senate hereby affirms that—

(1) Article I, Section 8, of the Constitution of the United States vests in Congress all power to declare war; and

(2) any offensive military action taken by the United States against Iran must be explicitly approved by Congress before such action may be initiated.

SA 3463. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE V—NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007

SEC. 501. SHORT TITLE; FINDINGS.

(a) SHORT TITLE.—This title may be cited as the ''National Capital Transportation Amendments Act of 2007''.

(b) FINDINGS.—Congress finds as follows:

(1) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(2) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(3) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

SEC. 502. FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.

The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following new section:

''AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

''SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

''(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

''(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

''(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

''(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

''(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments

which may be required to implement such amendments) have taken effect:

''(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

''(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

''(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

''(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

''(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

''(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

''(1) shall remain available until expended; and

''(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

''(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

''(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

''(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

''(B) Not later than 4 years after such date, throughout the rail system.

''(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

''(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

''(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

''(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.''.

SEC. 503. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.

(a) ESTABLISHMENT OF OFFICE.—

(1) IN GENERAL.—The Washington Metropolitan Area Transit Authority (hereafter referred to as the ''Transit Authority'') shall establish in the Transit Authority the Office of the Inspector General (hereafter in this section referred to as the ''Office''), headed by the Inspector General of the Transit Authority (hereafter in this section referred to as the ''Inspector General'').

(2) DEFINITION.—In paragraph (1), the ''Washington Metropolitan Area Transit Authority'' means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89–774).

(b) INSPECTOR GENERAL.—

(1) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(2) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(c) DUTIES.—

(1) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(2) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(3) REPORTS.—

(A) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(B) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(4) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(C) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(5) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) POWERS.—

(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(2) STAFF.—

(A) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(i) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(ii) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(iii) such other personnel as the Inspector General considers appropriate.

(B) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(C) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (B).

(3) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

SEC. 504. STUDY AND REPORT BY COMPTROLLER GENERAL.

(a) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this title).

(b) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under subsection (a).

SA 3464. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, between lines 12 and 13, insert the following:

SEC. 200. MISSION.

Section 24101 is amended by striking subsection (c) and inserting the following:

''(c) MISSION.—

''(1) IN GENERAL.—The mission of Amtrak is to provide efficient and effective intercity passenger mobility in those travel markets in which passenger rail offers a trip-time and service quality competitive or complementary travel option consistent with the goal of continual reduction in Federal operating subsidies required to provide such service.

''(2) PERFORMANCE MEASUREMENT.—All measurements of Amtrak performance, including decisions on whether, and to what extent, to provide operating subsidies, shall be based on the Amtrak's ability to carry out the mission described in paragraph (1).''.

On page 33, line 3, strike ''may'' and insert ''shall''.

SA 3465. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 10 and 11, insert the following:

SEC. 210A. REPORT ON THE FEASIBILITY OF REESTABLISHING AN AMTRAK ROUTE THROUGH SOUTHERN MONTANA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Transportation, in consultation with the Montana Department of Transportation and such other States and organizations as the Secretary determines appropriate, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the feasibility of reestablishing an Amtrak passenger rail route through southern Montana (formerly known as the ''North Coast Hiawatha'').

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include an assessment of—

(1) the costs associated with the operation of a passenger rail route through southern Montana and any upgrades necessary to reestablish the route;

(2) the numbers of passengers projected to use the route;

(3) the economic benefits to the region of a passenger rail route through southern Montana;

(4) any impact on the existing Amtrak passenger rail route through northern Montana (commonly known as the ''Empire Builder''); and

(5) the availability of other modes of long-distance travel to residents of southern Montana.

SA 3466. Mr. REID (for Mr. SUNUNU (for himself, Mr. CARPER, Mr. STEVENS, Mr. INOUYE, Mr. MCCAIN, Mr. MCCONNELL, Mr. ALEXANDER, Mrs. HUTCHISON, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet Tax Freedom Act Amendments Act of 2007''.

SEC. 2. MORATORIUM.

The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in section 1101(a) by striking ''2007'' and inserting ''2014'', and

(2) in section 1104(a)(2)(A) by striking ''2007'' and inserting ''2014''.

SEC. 3. GRANDFATHERING OF STATES THAT TAX INTERNET ACCESS.

Section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by adding at the end the following:

''(c) APPLICATION OF DEFINITION.—

''(1) IN GENERAL.—Effective as of November 1, 2003—

''(A) for purposes of subsection (a), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act, as enacted on October 21, 1998; and

''(B) for purposes of subsection (b), the term 'Internet access' shall have the meaning given such term by section 1104(5) of this Act as enacted on October 21, 1998, and amended by section 2(c) of the Internet Tax Nondiscrimination Act (Public Law 108–435).

''(2) EXCEPTIONS.—Paragraph (1) shall not apply until June 30, 2008, to a tax on Internet access that is—

''(A) generally imposed and actually enforced on telecommunications service purchased, used, or sold by a provider of Internet access, but only if the appropriate administrative agency of a State or political subdivision thereof issued a public ruling prior to July 1, 2007, that applied such tax to such service in a manner that is inconsistent with paragraph (1); or

''(B) the subject of litigation instituted in a judicial court of competent jurisdiction prior to July 1, 2007, in which a State or political subdivision is seeking to enforce, in a manner that is inconsistent with paragraph (1), such tax on telecommunications service purchased, used, or sold by a provider of Internet access.

''(3) NO INFERENCE.—No inference of legislative construction shall be drawn from this subsection or the amendments to section 1105(5) made by the Internet Tax Freedom Act Amendments Act of 2007 for any period prior to June 30, 2008, with respect to any tax subject to the exceptions described in subparagraphs (A) and (B) of paragraph (2).''.

SEC. 4. DEFINITIONS.

Section 1105 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) in paragraph (1) by striking ''services'',

(2) by amending paragraph (5) to read as follows:

''(5) INTERNET ACCESS.—The term 'Internet access'—

''(A) means a service that enables users to connect to the Internet to access content, information, or other services offered over the Internet;

''(B) includes the purchase, use or sale of telecommunications by a provider of a service described in subparagraph (A) to the extent such telecommunications are purchased, used or sold—

''(i) to provide such service; or

''(ii) to otherwise enable users to access content, information or other services offered over the Internet;

''(C) includes services that are incidental to the provision of the service described in subparagraph (A) when furnished to users as part of such service, such as a home page, electronic mail and instant messaging (including voice- and video-capable electronic mail and instant messaging), video clips, and personal electronic storage capacity;

''(D) does not include voice, audio or video programming, or other products and services (except services described in subparagraph (A), (B), (C), or (E) that utilize Internet protocol or any successor protocol and for which there is a charge, regardless of whether such charge is separately stated or aggregated with the charge for services described in subparagraph (A), (B), (C), or (E); and

''(E) includes a home page electronic mail and instant messaging (including voice—and video—capable electronic mail and instant messaging), video clips, and personal electronic storage capacity, that are provided independently or not packaged with Internet access.'';

(3) by amending paragraph (9) to read as follows:

''(9) TELECOMMUNICATIONS.—The term 'telecommunications' means 'telecommunications' as such term is defined in section 3(43) of the Communications Act of 1934 (47 U.S.C. 153(43)) and 'telecommunications service' as such term is defined in section 3(46) of

such Act (47 U.S.C. 153(46)), and includes communications services (as defined in section 4251 of the Internal Revenue Code of 1986 (26 U.S.C. 4251)).'', and

(4) in paragraph (10) by adding at the end the following:

''(C) SPECIFIC EXCEPTION.—

''(i) SPECIFIED TAXES.—Effective November 1, 2007, the term 'tax on Internet access' also does not include a State tax expressly levied on commercial activity, modified gross receipts, taxable margin, or gross income of the business, by a State law specifically using one of the foregoing terms, that—

''(I) was enacted after June 20, 2005, and before November 1, 2007 (or, in the case of a State business and occupation tax, was enacted after January 1, 1932, and before January 1, 1936);

''(II) replaced, in whole or in part, a modified value-added tax or a tax levied upon or measured by net income, capital stock, or net worth (or, is a State business and occupation tax that was enacted after January 1, 1932 and before January 1, 1936);

''(III) is imposed on a broad range of business activity; and

''(IV) is not discriminatory in its application to providers of communication services, Internet access, or telecommunications.

''(ii) MODIFICATIONS.—Nothing in this subparagraph shall be construed as a limitation on a State's ability to make modifications to a tax covered by clause (i) of this subparagraph after November 1, 2007, as long as the modifications do not substantially narrow the range of business activities on which the tax is imposed or otherwise disqualify the tax under clause (i).

''(iii) NO INFERENCE.—No inference of legislative construction shall be drawn from this subparagraph regarding the application of subparagraph (A) or (B) to any tax described in clause (i) for periods prior to November 1, 2007.''.

SEC. 5. CONFORMING AMENDMENTS.

(a) ACCOUNTING RULE.—Section 1106 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''telecommunications services'' each place it appears and inserting ''telecommunications'', and

(2) in subsection (b)(2)—

(A) in the heading by striking ''SERVICES'',

(B) by striking ''such services'' and inserting ''such telecommunications'', and

(C) by inserting before the period at the end the following: ''or to otherwise enable users to access content, information or other services offered over the Internet''.

(b) VOICE SERVICES.—The Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking section 1108.

SEC. 6. SUNSET OF GRANDFATHER PROVISIONS.

Section 1104(a) of the Internet Tax Freedom Act is amended by adding at the end thereof the following:

''(3) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any State that has, more than 24 months prior to the date of enactment of this paragraph, enacted legislation to repeal the State's taxes on Internet access or issued a rule or other proclamation made by the appropriate agency of the State that such State agency has decided to no longer apply such tax to Internet access.''.

SEC. 7. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect on November 1, 2007, and shall apply with respect to taxes in effect as of such date or thereafter enacted, except as provided in section 1104 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

SA 3467. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 224. DISCLOSURE OF PER PASSENGER FEDERAL SUBSIDIES.

Amtrak shall publicly disclose all the costs incurred for each Amtrak route that are subsidized by the Federal Government, including costs for maintenance, depreciation, and operations. The specific per-passenger Federal subsidy on each route shall be displayed on every ticket purchased for that route and on Amtrak's publicly accessible website.

SA 3468. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike line 22 and all that follows through page 34, line 5, and insert the following:

''(1) any qualified rail operator or transportation company

SA 3469. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, line 21, strike ''(b)'' and insert the following:

(b) CATEGORIZATION OF REVENUES AND EXPENSES.—

(1) IN GENERAL.—In carrying out subsection (a), the Amtrak Board of Directors shall separately categorize routes, assigned revenues, and attributable expenses by type of service, including long distance routes, State-sponsored routes, commuter contract routes, and Northeast Corridor routes.

(2) NORTHEAST CORRIDOR.—Amtrak revenues generated by freight and commuter railroads operating on the Northeast Corridor shall be separately listed to include the charges per car mile assessed by Amtrak to other freight and commuter railroad entities.

(3) FIXED OVERHEAD EXPENSES.—Fixed overhead expenses that are not directly assigned or attributed to any route (or group of routes) shall be listed separately by line item and expense category.

(c)

SA 3470. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, strike line 21 and insert the following:

''(7) reaching financial solvency by eliminating routes and services that do not make a profit; and

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NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on November 8, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 86, to designate segments of Fossil Creek, a tributary to the Verde River in the State of Arizona, as wild and scenic rivers; S. 1365, to amend the Omnibus Parks and Public Lands Management Act of 1996 to authorize the Secretary of the Interior to enter into cooperative agreements with any of the management partners of the Boston Harbor Islands National Recreation Area, and for other purposes; S. 1449, to establish the Rocky Mountain Science Collections Center to assist in preserving the archeological, anthropological, paleontological, zoological, and geological artifacts and archival documentation from the Rocky Mountain region through the construction of an on-site, secure collections facility for the Denver Museum of Nature & Science in Denver, Colorado; S. 1921, to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes; S. 1941, to direct the Secretary of the Interior to study the suitability and feasibility of designating the Wolf House, located in Norfolk, Arkansas, as a unit of the National Park System, and for other purposes; S. 1961, to expand the boundaries of the Little River Canyon National Preserve in the State of Alabama; S. 1991, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes; S. 2098, to establish the Northern Plains Heritage Area in the State of North Dakota; S. 2220, to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; and H.R. 1191, to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel<pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 9 a.m. in room SR–328A of the Russell Senate Office building. The Committee will continue its markup of the 2007 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to conduct a hearing during the session of the Senate on Thursday, October 25, 2007, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the subcommittee will examine sweatshop conditions in Chinese factories where toys and other children's products are manufactured.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on ''Small Business Health Insurance: Building a Gateway to Coverage.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARPER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct an Executive Business Meeting on Thursday, October 25, 2007, at 10 a.m. in room 226 of the Dirksen Senate Office Building. The agenda is attached.

Agenda

I. Bill

S. 1946, Public Corruption Prosecution Improvements Act (Leahy, Cornyn).

II. Resolutions

S. Res. 347, Designating May 2008 as ''National Be Bear Aware and Wildlife Stewardship Month'' (Baucus, Tester).

S. Res. 346, Expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio and Wisconsin. (Coleman, Durbin, Grassley, Feingold, Kohl).

III. Nomination

John Daniel Tinder, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARPER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 25, 2007 at 2:30 p.m. in order to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICE, AND INTERNATIONAL SECURITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Thursday, October 25, 2007, at 2:30 p.m. in order to conduct a hearing entitled, ''Single Audits: Are They Helping to Safeguard Federal Funds?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION SAFETY, INFRASTRUCTURE SECURITY, AND WATER QUALITY

Mr. CARPER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, be authorized to meet during the session of the Senate on Thursday, October 25, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing on effectiveness of Federal drunk driving programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. I ask unanimous consent that Michael F. Burke, a fellow in the office of Senator CARDIN, be granted the privileges of the floor during consideration of S. 294, the Passenger Rail Investment and Improvement Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 2233, S. 2234, H.R. 505, H.R. 3963

Mr. CARPER. Mr. President, I understand there are four bills at the desk, and I ask for their first reading, en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 2233) to provide a permanent deduction for State and local general sales taxes.

A bill (S. 2234) to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses.

A bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

A bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Mr. CARPER. Mr. President, 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 own request, all en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read the second time on the next legislative day.

ORDERS FOR FRIDAY, OCTOBER 26, 2007

Mr. CARPER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, October 26; that on Friday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of Calendar No. 158, S. 294, Amtrak authorization; that at 10 a.m., the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator DODD be recognized for up to 20 minutes, Senator DORGAN up to 30 minutes, and Senator INHOFE up to 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CARPER. Mr. President, if there is no further business, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:45 p.m., adjourned until Friday, October 26, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING THE ACCOMPLISHMENTS OF THE CU SOLAR DECATHLON TEAM

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize and honor the talented group of students who make up the 2007 University of Colorado Solar Decathlon team. These students participated in the Department of Energy's Solar Decathlon competition earlier this month.

The Solar Decathlon is a competition organized by the Department of Energy that gives college students an opportunity to demonstrate practical uses of solar power. This October, 20 university teams from around the country and the world competed in the third Solar Decathlon to build the most energy-efficient, solar-powered house. Each team was required to use solar energy to power the entire house, and was judged on how well its house was able to produce energy for heating, cooling, hot water, lighting, appliances, computers, and charging an electric car. The houses were also critiqued on their overall aesthetic design.

The University of Colorado team designed a fully livable 700 square foot house for the competition and will complete the house with an addition of 1400 square feet with 3 additional bedrooms, 2 bathrooms, a breakfast nook, and additional living space. As I toured this remarkable house on the Mall this past week, I was impressed by its modem functionality and the sustainable sources from which it was constructed. I was also impressed with the intelligence and curiosity of the team members that gave me the tour—these students will be among the leaders of engineers and architects guiding our next generation in renewable energy use and production.

This team follows in a strong tradition of entrants from the University of Colorado, which took first overall in the previous two competitions. I want to recognize and congratulate Chad Corbin and Professor Michael J. Brandemuehl, the student and faculty leaders that spearheaded this project, in addition to the many other undergraduate and graduate architecture, engineering, and business students at CU who helped design and build this house. Xcel Energy has already purchased this astonishing house to use as a permanent facility for research, education, and outreach for sustainable living once the competition is over.

These enterprising students from the University of Colorado had a challenge—to take advanced architectural and engineering concepts, put them together in a design, and build a house that could be a model of our energy future. These students met that challenge—and I'm proud of these students and I'm proud that the University of Colorado produced such a talented team. Most of all, I am proud to represent these young people who are working so hard to make our way of life a sustainable one.

RECOGNIZING PAULA ROWSE BUONOMO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Paula Rowse Buonomo of Shrewsbury, MA. Paula has dedicated her working life to helping the people of the Third Congressional District in Massachusetts. In recognition of that work, she has been selected to receive the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

Paula has worked for me in my district office in Worcester for the past 10 years. During her stay, she had helped numerous constituents deal with issues associated with Social Security, health care, education, and poverty. She has always been there to lend a helping hand to people in their most desperate times.

Paula has lent her talent to numerous nonprofit organizations as well. She serves as a board member of the Worcester County Food Bank, is a member of the Food Advisory Council for the city of Worcester, and is a steering committee participant for the Health Foundation of Central Massachusetts grant, "Ending Hunger in Worcester." Paula's effort to end the problem of hunger and poverty is one that we all should aspire to.

A lifelong resident of Shrewsbury, MA, with her husband, Jim, and two grown children, Megan and James, Paula has been a visible face in her community. She served on the Shrewsbury School Committee for two terms and worked on several Proposition 2½ overrides in support of the Shrewsbury public school system.

As someone who has witnessed Paula's tireless work firsthand, I can say that this award could have not gone to a better person. I ask all of my colleagues to join with me in honoring Paula Buonomo for receiving this award.

MYANMAR'S MILITARY DICTATORSHIP

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. POE. Madam Speaker, last month a group of students and Buddhist monks led a peaceful protest against the government of Myanmar for its decision to cut fuel subsidies, leading to a 100 percent increase in fuel prices. The military stepped in, firing into the crowds which left at least 10 people dead. By the end of the crackdown, almost 3,000 people had been detained. In response, many countries around the world condemned the violent way in which the government dealt with the protesters. Even China, Myanmar's closest ally, gave its support to the U.N. mission to resolve the crisis.

This is not the first case of violence against innocent people in Myanmar. In 1988, a crackdown on protesters left almost 3,000 dead. The military junta has been ruling the poverty-stricken country of Myanmar for over 45 years and since then has clashed with pro-democracy groups and has been responsible for the abuse and displacement of a variety of ethnic groups.

The thousands of protesters who lined the streets of Myanmar make it clear that people want democracy. Let us not forget that for the anti-democratic extremists who we frequently see in the news, there are thousands of people who peacefully live their lives, hoping for democracy to take over. The United States presence in many of these countries serves as a reminder that they are not alone. We are there to help and to show that democracy does work. We need to step up our efforts and our presence, especially in poverty-stricken and war ravaged countries in East Asia and Africa, to help end human rights abuses and encourage democracy.

And that's just the way it is.

NATIONAL MONTH OF COMMUNITY PLANNING

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. DAVIS of Illinois. Madam Speaker, in 2006, the American Planning Association—known as APA—declared October "National Month of Community Planning" to encourage the visibility of planning efforts in communities throughout the United States. During this month, we recognize the many individuals—the local officials, business leaders, and planners—that have contributed to the planning profession, making some of the great communities we have today. For example, in Highland Park, Illinois, Mayor Michael Belsky publicly thanked the City's planning staff for their dedication via the local newspaper. In Urbana, Illinois, the Planning Film Festival highlights different cities and their efforts to work with their city halls to design better neighborhoods.

The theme for this year's celebration is: "Great Streets, Great Neighborhoods." This theme acknowledges three particular building blocks of great communities: streets, neighborhoods, and the people who make communities unique. As part of this effort, APA celebrates excellence in planning via its "Great Places in America" program, recognizing both great streets and great neighborhoods across our county. I am proud to say that one of these

"Great Streets" is North Michigan Avenue that stands in the 7th District of Illinois which I currently represent. West Urbana, Illinois, also received the distinction of being a "Great Neighborhood."

As I close, I want to recognize APA as a non-profit public interest and research organization devoted to promoting quality planning. Since its founding in 1978, it has served more than 41,000 members. I honor the National Month of Community Planning and the efforts of planners to pioneer concepts that influence our communities both now and in the future.

HONORING THE VISITATION SCHOOL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. ENGEL. Madam Speaker, Visitation School has been a presence in the Kingsbridge community since its inception in 1932, and was approved by the Archdiocese of New York in 1928, under the direction of the first pastor, Monsignor Stafford.

Visitation School was initially staffed by the Sisters of Charity; their motherhouse was and remains today on the grounds of the College of Mount Saint Vincent in Riverdale, New York.

The first Principal of Visitation was Sister Mary Angelita Meiswinkle of the Sisters of Charity, who was principal from 1932 to 1949. She set the firm foundation for this Roman Catholic elementary school that continues to flourish as we celebrate its seventy-fifth anniversary.

In 1980 the current principal, Sr. Rosemarie Connell, was appointed. She oversaw a time of sweeping change, with an emphasis on strong religious principles, discipline, and a commitment to academic excellence. In her long tenure, she has created and maintained a dedicated and experienced teaching staff made up of Catholic laypersons and religious sisters representing several communities, including the Sisters of Charity, Sparkill Dominican Sisters, and School Sisters of Notre Dame.

She established a full-time kindergarten; weekly computer classes for kindergarten through grade eight; high school advanced-placement programs for math and Spanish; science lab; a state-of-the-art computer lab; and the institution of an after school program.

In 1995, the New York City Council recognized her for her "continuing dedication and service to the education and improvement of the lives of Bronx children and their families." In the year 2000, she received the Saint Elizabeth Ann Seton Compassionate Educator Award for her years of service to children in the Archdiocese of New York.

For 75 years, the Kingsbridge community has benefited from the presence of Visitation School as it continues its great legacy of faith and determination to deliver a quality Catholic education to children in the community. Visitation School remains a rare place where mind, heart, and spirit grow in grace and strive for excellence.

TRIBUTE TO MRS. PATRICIA SHIMMENS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to a constituent of mine who has spent her entire career serving her fellow citizens. Mrs. Patricia Shimmens, the Executive Director of the Sault Ste. Marie Housing Commission, is retiring after three decades of public service.

Patricia, or Pat, as her friends call her, has been a stalwart advocate for those in Chippewa, Luce, and Mackinac Counties who most need help. As the Executive Director to the Housing Commission, she oversees the administration of 250 units of public housing and 50 housing choice vouchers. She also administers several other programs that assist the homeless in Luce, Chippewa, and Mackinac Counties.

Throughout her long and illustrious career, Pat has enjoyed many achievements and accomplishments. Under her watch, in 1996 and 1998, the Sault Ste. Marie Housing Commission built two new developments equaling 50 single family units. In 2001, Pat spearheaded the drive to find housing for the homeless in Chippewa, Luce, and Mackinac Counties. In that capacity she coordinates services to the homeless, including shelter and opportunities for self-sufficiency to and through the Tri-County Safe Haven Emergency Shelter.

Pat has been a leader in the housing field, participating in organizations that advocate for affordable housing both nationally and in Michigan. For 23 years, she has been a member of the National Association of Housing and Redevelopment Officials (NAHRO), the nation's leading housing and community development advocacy group. She has been a member of the Michigan Housing Director's Association for 15 years and Past President for 4 years.

Pat has been involved in numerous other organizations as well. She is a former President of her local Business and Professional Women's Organization. She recently sat on the Commission for Labor and Economic Growth in conjunction with the Local Work Force Development Board for the Tri-County area. She currently serves as the President of the Northern Transitions Inc. which provides services to the developmentally disabled.

Over the years, Pat has been recognized in many ways for her commitment to community. In 2005, she received the ATHENA award, which recognizes excellence and leadership in women who contribute time and energy to improve the quality of life for others in the community.

Pat first brought her talents and tireless energy to the Sault Ste. Marie Housing Commission on November 1, 1982. But, even before joining the Sault Ste. Marie Housing Commission, Pat was dedicated to strengthening the eastern U.P. Prior to her time with the Housing Commission, she was employed for 8 years with the Eastern Upper Peninsula Employment and Training Consortium. Throughout the years Pat has developed a reputation as a passionate advocate for housing and homelessness issues. When a new rule, regulation or law affecting public housing authorities would come down, Pat was known for being quite vocal at public housing authority conferences. Those who know her say that when she was arguing forcefully for or against something, it was best to stay out of her way and let her say her piece. In one instance, she gave a lengthy, impassioned and forceful argument regarding rules affecting the ownership of pets in public housing authorities.

After she completed her argument, the conference leaders asked, "Do you feel better now?"

In a manner typical of Pat's straightforward demeanor, she replied, "Yes, thank you, damn it!"

While her tenure at the Sault Ste. Marie Housing Commission has been marked by many financial and administrative successes, what Pat says she will miss most are the people with whom she has developed relationships.

As Pat recently put it in her own words, "Many children have passed through our doors and I would like to think their life was just a little bit better having a nice home to live in that was also affordable."

Madam Speaker, over the last 30 years, countless families in Luce, Chippewa, and Mackinac Counties have relied upon the Sault Ste. Marie Housing Commission. All of them can thank Mrs. Patricia Shimmens for her hard work, passionate advocacy and tireless dedication to helping make life just a little better. As Mrs. Shimmens celebrates retirement, I wish her the best of luck as she has more time to spend with her husband, Bob and more time to garden, and enjoy the outdoors. Given her tireless spirit, I also expect that she will continue her volunteer work throughout the eastern U.P. community.

Today, I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking Patricia Shimmens for 30 years of public service and congratulating her on a well deserved retirement.

RECOGNIZING JOSEPH RICCA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Joseph Ricca of Shrewsbury, Massachusetts. Mr. Ricca has worked tirelessly for our community and because of that work has been selected to receive the Eleanor Roosevelt Humanitarian Award from the Shrewsbury Democratic Town Committee.

A product of the Shrewsbury public school system, Mr. Ricca still resides in town with his wife, Mary Ann and 8-year-old son, Joseph Peter. He graduated with a B.A. in State and Local Government from the University of Massachusetts/Amherst and later went on to receive his Master's Degree in Business Administration from Anna Maria College. After school, he joined the Massachusetts Secretary of State's Office serving numerous positions until being named Chief of Staff in 1987.

In 1988, Mr. Ricca began work for the Dukakis for President Committee. During the campaign, Joe was responsible for campaign activities in Iowa, New York, Michigan, Ohio, and Indiana. He later used this experience to

work as Senior Staff Director for the Gore and Kerry Presidential Campaigns. In addition to these national campaigns, Joe also has been elected delegate to numerous Democratic State and National Conventions.

Mr. Ricca has had great success in the private sector as well. After starting his own firm, Ricca and Associates, he joined the Dewey Square Group, which is considered by many to be one of the leading communication/consulting firms in the country.

I commend my friend, Joe Ricca who has dedicated his life for the betterment of his community and our country. His commitment to public service helps all of us. In tribute to his tireless work and dedication, I congratulate Mr. Joseph Ricca on receiving this award. I know all of my colleagues will join me in paying tribute to him today.

HONORING MARVIN CARUTHERS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to recognize the contributions that Dr. Marvin Caruthers has made to the advancement of science. I would like to thank him on behalf of all Coloradans for the gifts he has made in this field.

Dr. Caruthers' impressive career began when he received his bachelor's degree in chemistry from Iowa State University. He went on to earn a doctorate in biochemistry from Northwestern University and complete his post-doctoral studies at the Massachusetts Institute of Technology. After becoming a research scientist at the University of Wisconsin and MIT he decided to settle in Colorado.

In the 1980s, Dr. Caruthers' laboratory developed methods to speed up the chemical synthesis of DNA. This advancement led to the sequencing of the human genome, which allows us to study diseases, solve criminal cases more efficiently and will lead to better medical treatments.

Dr. Caruthers' contributions have extended far beyond his lab. He helped found the biotechnology company, Applied Molecular Genetics (AMG). AMG has since become the largest biotechnology company in the world. AMG introduced two of the first biologically derived human therapeutics, which helps better the lives of patients suffering from chronic kidney disease and cancer. The company has gone on to make advancements in treating anemia, rheumatoid arthritis and many other diseases. Dr. Caruthers also co-founded another impressive organization, Applied Biosystems, which has revolutionized research in the pharmaceutical industry.

I want to acknowledge Dr. Caruthers for his generous gift to support the Colorado Initiative in Molecular Biotechnology Program at the University of Colorado. Dr. Caruthers has taught chemistry and biochemistry at the University for the past 34 years. He wants to ensure that biomedical students will continue to do groundbreaking work. His recent financial contribution is the largest gift ever contributed by a University of Colorado faculty member and will undoubtedly lead to significant advancements.

Madam Speaker, I ask my colleagues to join with me in expressing our gratitude to Dr. Marvin Caruthers for his dedication to the advancement of biotechnology. I wish him success in all his future endeavors.

TEXAS BLACK GOLD

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. POE. Madam Speaker, 77 years ago, during the month of October, the biggest known oil field in the world was discovered in east Texas by Alabama wildcatter C.M. ''Dad'' Joiner. The nearby towns of Kilgore and Gladewater became bustling boom towns practically over night as thousands of people moved in trying to get their share. By the next year, the wells in the field were producing over 900,000 barrels of oil a day. When all was said and done, the oil field spanned over 40 miles and contained more than 30,000 wells in all. The discovery of oil in the State attracted hundreds of independent oil companies to the area, pushing Texas into the industrial world for the first time.

Oil is still an important part of the Texas economy, but times have changed. Now the largest oil fields are in the Middle East, which means America is dependent on foreign countries for its oil. The increased tension and turmoil in that region only reinforces the importance of decreasing our dependency on foreign countries for a resource that in the year 2007 we can't live without.

We need to continue to look at alternative and renewable energy sources to decrease our reliance on oil. We need to continue to search for oil in our own backyard to reduce our need to work with countries that don't have our best interest in mind. We need to protect our oil companies at home. We need to do these things so that our future generations aren't living the consequences of our inactions.

And that's just the way it is.

TRIBUTE TO MICHAEL FITZGERALD, BUSINESS MANAGER AND FINANCIAL SECRETARY OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 134

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today to pay tribute to a good husband, a good father, a good friend, a good son, and a good man; who devoted his life to his family, to his union and to his work on behalf of the working people throughout the world. Madam Speaker, Michael Fitzgerald was a third-generation electrician who joined Local 134 in December of 1974. He was appointed special assistant to the business manager in 1991 prior to being elected as business manager in 1995, where he served until 2006. He served on the executive board of the Chicago Federation of Labor, and as its second vice-president. He also served as vice president of the Chicago Cook County Building Trades Council, and served as chairman and as president of the Illinois State Conference of the International Brotherhood of Electrical Workers.

Under Michael's leadership, Local 134 continued the tradition of strong and aggressive growth and has become one of the largest and most influential Electricians locals in North America, with over 17,000 members.

At the 36th Convention of the International Brotherhood of Electrical Workers, Michael Fitzgerald served as Secretary to the Law Committee at the 37th Convention. In addition, Michael Fitzgerald was active in many other civic and community endeavors. He served on the Mayor's Zoning Reform Commission from 2000 to 2004, and on the Illinois Medical Center Commission from 1998 until his death. He was president of the Chicago Children's Advocacy Center for abused children from 1999 to 2005, and on the executive committee of the board of directors of the Metropolitan Pier and Exposition Authority, which governs the activities at Navy Pier and the McCormick Place complex from 2001 through 2005. Michael was also an attorney and member of the American Bar Association and the Illinois Trial Lawyers Association.

Michael Fitzgerald gained recognition for his outstanding work and commitment to humankind. He was named Man of the Year by several organizations including, The Coalition for United Community Action, 1996; Irish American Alliance, 1997; Maritime Trades and The Greater Chicago and Vicinity Port Council, 1998; Hispanic Electricians Alliance, 1999; Italian American Labor Council, 2001; and The Anti-Defamation League, 2001. He also received the Rerun Novarum Award for Labor from the Archdiocese of Chicago in 1999. He served as a member of the board of directors of Amalgamated Bank of Chicago and was appointed to the Catholic Charities Advisory Board. He has been recognized for his commitment to St. Xavier University in 2007; Mayor Richard M. Daley presented Mr. Fitzgerald with the John E. Rooney Corporate Hero Award for his tireless efforts on behalf of the city of Chicago Children's Advocacy Center.

We extend our heartfelt condolences to his wife and their two children, Marty and Sarah.

Madam Speaker, the steps of a good man are ordered and directed by the Lord.

Michael Fitzgerald was a good man; may his soul rest in peace.

TRIBUTE TO CHEBOYGAN MEMORIAL HOSPITAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. STUPAK. Madam Speaker, I rise today to honor an important institution in my district that serves the health care needs of the people of northern Michigan. Next week, Cheboygan Memorial Hospital (CMH) will celebrate 65 years of service to northern Michigan residents.

Cheboygan Memorial Hospital traces its history back to 1929, when a group of local citizens united in an effort to build the first community hospital in Cheboygan. This small, but committed, group of volunteers collaborated to raise funding for a hospital in Cheboygan.

Their efforts ultimately paid off in 1942 when Community Memorial Hospital, as it was then called, opened its doors.

Throughout its history, CMH has often had to overcome challenges that health care providers in major metropolitan areas do not face. Rural health care providers like CMH often have more difficulty recruiting staff. They also serve a larger geographical area than their counterparts in more urban areas. Despite these challenges, over the years CMH has developed into a first-class health care facility, offering excellent health care services to my constituents.

Today, CMH is a 96-bed general hospital with 46 beds for medical and surgical patients, including a four-bed intensive care unit and a six-room Family Life Obstetric Center. CMH also offers emergency care, 24 hours a day and 7 days a week. The hospital's urgent care walk-in clinic is also open every day in the health center.

CMH also offers both inpatient and outpatient services in surgery, laboratory, cardiopulmonary, X-ray, nuclear medicine diagnostic ultrasound, CT scanning, MRI, mammography, bone densitometry, and physical therapy. The hospital's medical staff includes specialists in the areas of anesthesiology, cardiology, emergency medicine, dermatology, family medicine, internal medicine, general surgery, obstetrics and gynecology, neurology, otolaryngology, pediatrics, oncology, urology, radiology, ophthalmology, orthopedic surgery, oral surgery and pathology.

The hospital has also dedicated a great deal of effort and time towards educating members of the community about important health issues. CMH offers several free classes in smoking cessation and in diabetes education. Childbirth education classes have also been recently re-introduced, providing important education to expecting parents.

CMH has registered pharmacists on staff at CMH and available around the clock. The hospital houses audiology and speech therapy services.

Thanks to generous donations and support from the community, the hospital continues to improve, with several recent additions. The hospital recently updated their Intensive Care Unit Family Waiting Room. The hospital also enjoys a newly expanded Nurses' Station. Remodeling work and technology updates are also being made in the Radiology Department. Other projects to help grow and improve the hospital remain on the horizon, including plans for developing a Cardiac Wellness Center.

CMH describes its own greatest asset as the dedicated men and women who work in the hospital to care for their friends and neighbors. The hospital is currently the largest employer in Cheboygan County with over 500 employees on the payroll.

Throughout the years, the hospital's leadership has set the tone of excellence that defines CMH. Today, the hospital is led by President and CEO Barbara Cliff; Board of Trustees Chair Michael Konicki; and the President of their Medical Staff David Dram, M.D.

In addition to the hospital's 500 employees, who make caring for their neighbors and friends their daily business, the hospital enjoys the support of many tireless volunteers and auxiliary members. Anyone who has spent any length of time in a hospital can attest that the quality of the experience can hinge on the attitude of the caregivers. Those receiving care at Cheboygan Memorial Hospital are treated by professionals with positive attitudes and warm, kindly demeanors.

Madam Speaker, this year CMH is celebrating "65 Years of Caring." As this institution celebrates 65 years of service to my constituents, I would salute its employees—past and present—the people who make the hospital the excellent caregiver that it is. I would ask, Madam Speaker, that you and the entire U.S. House of Representatives join me in recognizing the fine work of CMH and paying tribute to this important northern Michigan health care provider.

RECOGNIZING EMILY PEEPLES

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. McGOVERN. Madam Speaker, I rise today in recognition of Emily Peeples of Shrewsbury, Massachusetts. A talented and intelligent young woman, Emily has been named one of the recipients for the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

A graduate of Shrewsbury High School, Emily was active in all parts of high school life. She was an officer of the Young Democrats in addition to other groups, and was on volleyball and lacrosse teams. She was elected to Anti-Defamation League Interfaith Youth Leadership Camp, which teaches acceptance and community involvement. Emily also achieved the Silver Award for Girl Scouts during her time in high school.

Now a freshman at the University of Wisconsin, Emily is continuing her involvement. She has joined the College Democrats, the Campus Liaisons, and is running as a freshman representative to the student council.

I would like to take this moment to wish Emily luck on her campaign and ask my colleagues to help me honor her for winning this award.

HONORING NATIONAL HIRSCHFELD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to acknowledge the 100th anniversary of National Hirschfeld Press, Inc. in Denver, Colorado. National Hirschfeld is the largest digital and commercial printing company in the western United States.

National Hirschfeld was opened in 1907 by A.B. Hirschfeld with only a $35 hand press, which still sits in their lobby today. Only 19 years old at the time, A.B. Hirschfeld used his experience from working at his brother's print shop in Cincinnati to make National Hirschfeld a success.

The company eventually became a family business, spanning three generations, all of which have contributed greatly to the economic and social fabric of Colorado. A.B. Hirschfeld's son, Edward, carried on the family tradition, and started working at the store when he was 15 years old. Now, A.B. Hirschfeld is run by the third generation of printers, represented by Barry Hirschfeld. In December 2005, this family-owned printing store expanded by merging with two other printing companies to become National Hirschfeld.

Through the years, National Hirschfeld has made significant contributions to Colorado. The company has published inaugural programs for the Denver Bears, the Denver Broncos and the Colorado Rockies.

The Hirschfeld family has also been involved in many philanthropic efforts in Denver. They are a genuine all-American success story.

Madam Speaker, I ask my colleagues to join me in acknowledging National Hirschfeld and their employees for their commitment to uniquely serving their community. I congratulate all of them and wish the company another 100 years of success.

THE FREE SPEECH HYPOCRISY AT GEORGE WASHINGTON UNIVERSITY

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. POE. Madam Speaker, it's Islamo-Fascism Awareness Week. This week involves events on college and university campuses across the Nation to promote awareness of the ideology that motivates terrorist groups like al Qaeda and Hamas.

While this event has sparked free speech debates on college campuses across the country, it has also revealed hypocrisies that exist in "free speech."

On October 8th, antiwar student activists covered the George Washington University campus with anti-Muslim posters. We now know that this was a hoax targeted at conservative student-members of the Young America's Foundation. Right after the posters appeared on the campus, the George Washington University Student Association Vice President, Brand Kroeger said he "would support expulsion" of the responsible students.

The George Washington University Administration brought the conservative students into its office, presumed the students were guilty, and pressured the students to sign a statement disavowing hate speech. The students refused to sign the statement and said they were innocent. The students were then dragged before a university "peace forum" and subjected to heckles from their fellow students. After all of this, 7 antiwar activist students took responsibility. These 7 students said the entire event was just a hoax. Guess what happened to the 7 responsible students? Nothing! No disciplinary action at all! The hypocrisy at American universities is appalling. If you are a liberal student, you can say anything. If you are a conservative student, you are denied free speech by the public university.

It seems that if you have one viewpoint, universities will punish and ridicule you, but if you agree with the universities, you'll be able to say whatever you want. There doesn't seem to be any equal opportunity in free speech on college campuses.

Colleges and universities preach liberal viewpoints without presenting the other side.

The politically correct nature of our higher education sparked the creation of Islamo-Fascism Week.

During this week, students on college campuses across America will host events to educate students on issues that are not addressed inside of the classroom. The events include ''teach in'' panels and sit-ins on Women's Studies Department classes, to protest the absence of courses that focus on the oppression of women in Islam.

Islamic oppression of women will be the key focus of this week. In one horrific example of Islamic oppression, young Islamic schoolgirls were shot to death in Saudi Arabia when they fled a burning building without their veils. In another example, an Islamic teenager was buried before being stoned to death for alleged sexual offenses.

The Muslim American Society is protesting this week of events. The Society claims that this event is hate speech and promotes intolerance of Muslims. This isn't true. The event promotes awareness and intolerance of radical Muslim extremists and rightfully so. These extremists want to kill Americans. We should be intolerant of them.

Muslim extremists are responsible for 9/11, for the USS *Cole* bombing, for Embassy bombings, and they target our soldiers abroad. We also know that Islamo-Fascists have waged a jihad, or a holy war, against America.

The term ''Islamo-Fascism'' is not hate speech. It is not degrading to all Muslims. It degrades radical Muslim extremists. The term ''Italian Fascism'' doesn't smear all Italians. It smears radical Italian extremists. There is a difference between Muslims and radical Jihadists, who seek to destroy and murder people indiscriminately.

Islamo-fascism Awareness Week is a wake-up call for American students. Our classrooms need to stop worrying about political correctness and start educating our students on the truth. The truth is that radical Muslim extremists are the greatest danger that exists for Americans at home and abroad. The truth is that women are oppressed by Islamic extremists. The truth is that we need to stop garnering sympathy for the enemy and start confronting those against America.

And that's just the way it is.

HONORING THE VETERANS OF FOREIGN WARS RHINE POST 2729 ON ITS 75TH ANNIVERSARY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. LIPINSKI. Madam Speaker, I rise today to honor the VFW Rhine Post 2729 of Chicago as they celebrate their 75th anniversary. Through their dedicated and unwavering service to their community and their country, the veterans of the Rhine Post continue a strong tradition of patriotism and duty.

When the Rhine Post received its charter on October 29, 1932, it was made up of a group of 21 World War I veterans. With great determination and hard work, this handful of men managed to keep the organization afloat through the Great Depression, distinguishing themselves with their patriotic events and displays.

After World War II, the Rhine Post experienced an influx of veterans as the remaining 16 members focused on recruitment and membership. When the group was over 100 strong, they realized the need for a new hall. With industry and diligence, they purchased vacant property and in 1955 completed their new building. The Rhine Post on South Archer Avenue continues to serve today as a community landmark and as a place of camaraderie for our Nation's heroes.

Throughout their long history, the veterans of Rhine Post 2729 have taken pride in their championship senior rifle and drill team, which won seven consecutive championships. Service to their community has also been a great source of pride, as the Rhine Post hosted Memorial Day Parades along Archer Avenue for many years. The Rhine Post continues their worthy tradition of community service by sponsoring the Voice of Democracy scholarship program, visiting hospitalized veterans, distributing American flags, and assisting senior citizens whenever possible.

I rise today to recognize the Veterans of Foreign Wars Rhine Post 2729 on their 75th anniversary. Through their staunch patriotism and outstanding contributions to their community, the veterans of the Rhine Post nobly continue the legacy of service they began when they first answered the call of duty. I commend them for their ongoing community work and their courageous service to our country in time of war. I am honored that my district is home to such an exceptional organization, and I am proud to congratulate them on their 75th anniversary.

RECOGNIZING JASON PALITSCH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. MCGOVERN. Madam Speaker, I rise today in recognition of Jason Palitsch of Shrewbury, Mssachusetts. Jason's enthusiasm for the political process has led to his selection to receive the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

Currently a freshman at Northeastern University, Jason has already become active in politics. He is the president of the ''Northeastern for Hillary'' group and will become Political Director of the College Democrats group in the spring.

Jason's political activism began while he was a student at Shrewsbury High School. While there, he co-founded and was the first president of the Shrewsbury High School Young Democrats club. He was also a member and officer of numerous other student organizations during his 4 years at Shrewsbury High School, including Amnesty International, Political Action Group, Student Council, and the student newspaper.

Jason is a passionate and likable young man who has a bright future in whatever profession he chooses to work in. I congratulate Jason on this award and his enthusiasm for politics.

IN RECOGNITION OF JULIUS CIACCIA, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Julius Ciaccia, Jr., who recently retired after dedicating over 30 years of service to the city of Cleveland, Ohio. Mr. Ciaccia began his career in city government in 1976, and served the city with distinction until his retirement.

I am particularly proud to be honoring Mr. Ciaccia today due to the fact that I have known him personally for quite some time. As mayor of Cleveland, in the year 1979, I appointed Mr. Ciaccia as the Commissioner of the Cleveland Division of Water. He was able to invest over $1 billion in improvements that led to improved drinking water delivery and helped make Cleveland a healthier and more vibrant city during his time in this position.

In addition to his leadership in city government, Mr. Ciaccia has worked on a federal level as well, serving on the board of the Association of Metropolitan Water Agencies (AMWA) from 1988 to present day; he was president of AMWA between 1996 to 1998. In honor of his exceptional contributions to the improvement of drinking water supply management, he was awarded the prominent President's Award in 1999.

Madam Speaker and colleagues, please join me in thanking Julius Ciaccia for all of the hard work, dedication, and pride that he has given the city of Cleveland during his admirable career. He has served the citizens with a zeal for his work that is rarely seen, and for that, he is applauded. I hope you will join me in wishing Mr. Ciaccia the best of luck in his future venture towards becoming the executive director of the Northeast Ohio Regional Sewer District.

ANNIVERSARY OF THE ANTIOCH MISSIONARY BAPTIST CHURCH IN DECATUR, ILLINOIS

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. HARE. Madam Speaker, I rise today to commemorate the 150th anniversary of the Antioch Missionary Baptist Church in Decatur, Illinois.

The beginning of the church was the idea of Maria Carr, affectionately known as ''Grandma Carr,'' who in 1854 escaped slavery through the Underground Railroad and settled in Decatur, Illinois. Grandma Carr, along with Mrs. Gilbert Vernon and Mrs. Emily Stains held weekly prayer meetings at their homes with the goal of establishing a local community church based on the principles of equality and civil rights.

With the help of Captain David L. Allen, a white Christian, their wish came true. He offered a small frame building to the church group and officially donated ownership of the land in 1858. The first pastor of Antioch was Reverend Tom Reasoner.

With simple beginnings, the church developed a rich history of diversity and faith. The

Antioch Church housed the first school for black citizens in Decatur. Later, the church was blessed by a faithful servant named Reverend Dr. Turner who led the congregation from 1965 until his death in 1995. During the 30 years of his service, Reverend Turner established a free food bank and clothing room, which continue to serve needy families in the community today. Reverend Turner also opened a local extension of the United Theological Seminary through which many ministers in Decatur and in neighboring cities earned their bachelor's and master's degrees in theology.

I am deeply honored to represent the Antioch Missionary Baptist Church and congratulate its congregation for 150 years of service. The strong faith and history of Antioch will no doubt continue to serve the Decatur community for another 150 years, and remind us of the values of diversity and public service upon which it was established.

CONGRATULATING SANTA CLARA UNIVERSITY'S SOLAR DECATHLON TEAM

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. HONDA. Madam Speaker, I rise today to honor Santa Clara University's Solar Decathlon Team for placing third in the Department of Energy's 2007 International Solar Decathlon. I am joined by my colleague the Honorable ZOE LOFGREN, a graduate of Santa Clara University, in congratulating the students, administration, and sponsors for their tremendous accomplishments.

In this competition, university teams were challenged to design, build, and operate an energy-efficient and aesthetically-pleasing home powered by solar energy alone.

Santa Clara University was selected as one of just 20 international competitors in the 2007 Solar Decathlon, and was the only school west of the Rockies chosen to compete. Even more impressive was that Santa Clara, a school of approximately 4,500 students, competed against schools like MIT, Carnegie Mellon, and Georgia Tech, making them by far the smallest school in the Decathlon and the only competitor without a school or department of architecture.

In addition to placing third overall, they were one of five teams to score a perfect 100 points in the Hot Water contest and one of seven teams to score a perfect 100 points in the Energy Balance contest. Santa Clara's home boasted a variety of unique features that are both sustainable and energy-efficient, including the first bamboo I–beams in the United States and insulation made from recycled blue jeans.

We are extremely proud of the accomplishments of the Santa Clara University's Solar Decathlon Team and the generous support provided by their industrial sponsors. Their project highlights the technology and innovation characteristic of Silicon Valley.

On behalf of Representative LOFGREN and myself, congratulations to Santa Clara University's Solar Decathlon Team for placing third in this international competition and for your strong representation of the strengths of the Silicon Valley and the State of California.

RECOGNIZING RACHEL SAVAGEAU

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. MCGOVERN. Madam Speaker, I rise today in recognition of Rachel Savageau of Shrewsbury, MA. A talented and intelligent young woman, Rachel has been named one of the recipients for the Eleanor Roosevelt Humanitarian Youth Award from the Shrewsbury Democratic Town Committee.

A 2007 graduate of Shrewsbury High School, Rachel proved to be an exceptional young woman during her 4 years there. Rachel helped found the Young Democrats of Shrewsbury High School and served as secretary for all four years of her high school career. She was also a member of her school's Political Action Committee and a GSA leader. Currently a political science major at UMASS Boston, she has started a Young Democrats group there and is interning for the League of Women Voters.

Rachel's active role in numerous groups makes her the perfect recipient for this award. Our country's future is invested in young people like Rachel and I ask my colleagues to join me in honoring her today.

PERSONAL EXPLANATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. MCKEON. Madam Speaker, due to the ongoing wildfires in Southern California, and specifically those in the 25th District of California, I was unable to vote on the following measures. Please enter into the record this personal explanation for my absence on the following rollcall votes:

Rollcall No. 986—On Motion to Table the Resolution, which I would have voted "nay."

Rollcall No. 987—Joshua Omvig Veterans Suicide Prevention Act, which I would have voted "yea."

Rollcall No. 988—Charlie Norwood Department of Veterans Affairs Medical Center, which I would have voted "yea."

Rollcall No. 989—Condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

Rollcall No. 990—Providing for consideration of H.R. 1011, which I would have voted "nay."

Rollcall No. 991—Providing for consideration of H.R. 1483, which I would have voted "nay."

Rollcall No. 992—Providing for consideration of H.R. 1483, which I would have voted "nay."

Rollcall No. 993—Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, which I would have voted "yea."

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. DAVIS of California. Madam Speaker, I was on a leave of absence on October 24, 2007 due to the San Diego wildfires. The following list describes how I would have voted had I been in attendance.

Rollcall No. 995: Motion to Recommit with Instructions on Celebrating America's Heritage Act, H.R. 1483—"yea."

Rollcall No. 996: Passage of Celebrating America's Heritage Act, H.R. 1483—"yea."

Rollcall No. 997: Previous Question on the Rule providing consideration of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

Rollcall No. 998: Providing consideration of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

Rollcall No. 999: Motion to Recommit with Instructions on Native Hawaiian Government Reorganization Act, H.R. 505—"nay."

Rollcall No. 1000: Passage of Native Hawaiian Government Reorganization Act, H.R. 505—"yea."

INTRODUCTION OF A BILL TO REINSTATE CERTAIN FEDERAL BENEFITS TO CITIZENS OF THE FREELY ASSOCIATED STATES

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. HIRONO. Madam Speaker, I rise today to join my colleague, Mr. ABERCROMBIE, in introducing a bill to reinstate certain Federal benefits to citizens of the Freely Associated States, FAS.

This bill is a companion measure to S. 1676, introduced earlier this year by Senators AKAKA and INOUYE, which provides eligibility for non-emergency Medicaid, Food Stamps, Temporary Assistance to Needy Families, TANF, and Supplemental Security Income, SSI, to FAS citizens residing in the United States.

Citizens from the FAS are from the Republic of the Marshall Islands RMI, Federated States of Micronesia, FSM, and the Republic of Palau, which are jurisdictions that have a unique political relationship with the United States. The Compact of Free Association established these nations as sovereign States responsible for their own foreign policies. However, the FAS remain dependent upon the United States for military protection and economic assistance.

Under the Compact, the United States has the right to reject the strategic use of, or military access to, the FAS by other countries. This right is often referred to as the "right of strategic denial." In addition, the U.S. may block FAS Government policies that it deems inconsistent with its duty to defend the FAS, which is referred to as the "defense veto." The Compact also states that the United States has exclusive military base rights in the FAS.

In exchange for these prerogatives, the U.S. is required to support the FAS economically, with the goal of producing self-sufficiency, and FAS citizens are allowed free entry into the United States as non-immigrants for the purposes of education, medical treatment, and employment. Because of this ability to travel within the United States as a non-immigrant, many FAS citizens have since migrated to the State of Hawaii.

According to Governor Linda Lingle, in 2006 the State of Hawaii spent an estimated $91 million in State funds to provide health and social services to migrants from the FAS. This amount is almost double the cost of $48 million reported to the U.S. Department of the Interior by the State of Hawaii for health and social services provided to Compact migrants in 2003, which was the last year such figures were compiled. Clearly, the cost to the state is growing and will continue to grow.

No State can expect its taxpayers to bear such an increasingly costly burden for an agreement that is in the interest of our entire Nation. The Federal Government should do more to help address the unintended social services consequences of the Compact.

I know that Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands face the same challenges in the provision of health and social services to FAS citizens as the State of Hawaii. I look forward to working with my colleagues on this important issue.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 22, 2007

Mr. REYES. Madam Speaker, I rise today in support of H. Res. 751, a resolution I have introduced supporting the goals and ideals of National Chemistry Week, which starts today, October 22, 2007.

During the next 5 days, millions of people, particularly students in elementary and secondary schools, will be engaged in chemistry-related activities that show the importance of chemistry to our quality of life. With assistance from American Chemical Society, ACS, staff, thousands of volunteers will conduct these activities in venues from shopping malls, to classrooms, to university labs.

National Chemistry Week was created by ACS in 1987 to draw attention to the positive contributions chemistry makes to our everyday lives. These contributions include helping feed, house, and clothe the world's population; tapping new energy sources; providing renewable substitutes for limited materials; improving public health; strengthening our national security; and protecting our environment.

During this year's 20th anniversary of National Chemistry Week, we are celebrating "The Many Faces of Chemistry." This theme was chosen to emphasize the extensive variety of careers available in the world of chemistry and to honor the tremendous diversity of people who have contributed and will contribute to the advancement of chemistry and all of its branches. This year's theme takes added importance when you consider that a disproportionately low number of minority, underprivileged, and young women students are taking up careers in science and technology.

The inclusion of women and under-represented minorities in science, technology, engineering, and mathematics fields, STEM, is not just important to correct for historical employment inequities, but to provide under-represented minorities an opportunity for prosperity. The increased education and participation of this segment of the workforce is also essential to supplying the American economy with the STEM expertise the country needs to innovate and remain competitive. According to the U.S. Census, 39 percent of the population under the age of 18 is a racial or ethnic minority. That percentage is on a path to pass 50 percent by the year 2050. Yet, in 2000, only 4.4 percent of the science and engineering jobs were held by African Americans and only 3.4 percent by Hispanics. Women constitute over half of the post-secondary students in the Nation, but represent a little more than one-quarter of our science and engineering workforce. We must correct these disparities, and fast.

This is not an issue of compromising high standards. If America is to achieve its strategic objectives in STEM, the enormous potential of groups that are currently under-represented in the STEM fields must be realized through expanded and focused educational opportunity. Some see tension between policies that focus resources on certain groups and the pursuit for excellence, but the simple truth is that the general achievement of excellence is strongly linked to the prevalence of opportunity.

Scientists from these under-represented groups have demonstrated excellence through important contributions to our understanding of the environment and the sciences. Two notable examples include Mario Molina, an atmospheric chemist who received a Nobel Prize for his work establishing the link between CFCs and atmospheric ozone destruction, and Percy L. Julian, who was the first black chemist elected to the National Academy of Sciences and whose work in synthesizing a compound used to treat glaucoma led to his having been ranked by ACS as one of the top 75 Distinguished Contributors to the Chemical Enterprise.

If we are to remain an innovative and economically competitive nation, the face of our high-tech workforce must reflect the true face of America. Our workforce will not be the best America has to offer if we do not ensure that we are taking advantage of all pools of domestic talent. "The Many Faces of Chemistry" theme is especially significant because it focuses on promoting diversity, which will help ensure national competitiveness by encouraging broad participation from all sources of talent in the sciences and chemistry.

I thank the American Chemical Society for their work in promoting the chemical sciences and the important role of diversity. I urge my colleagues to support this resolution.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BECERRA. Madam Speaker, on Monday, October 22, 2007, I was unable to cast my floor vote on rollcall votes 983, 984 and 985.

Had I been present for the votes, I would have voted "aye" for rollcall votes 983, 984 and 985.

TRIBUTE TO DEBORAH ONSLOW

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. McNULTY. Madam Speaker, I wish to recognize and celebrate the tenure of Deborah Onslow, President and General Manager of WMHT Educational Telecommunications in Troy, NY.

On November 1, 2007, the Tech Valley community in my district will come together to celebrate Ms. Onslow's many years of dedication, hard work, and accomplishment on behalf of public broadcasting at the community and national levels. Her leadership and commitment to local community values is integral not only to the success of WMHT, but to the entire public television and radio community.

Ms. Onslow assumed the position of President and General Manager of WMHT Educational Telecommunications in March 2001, becoming the first woman ever to head a New York State public broadcasting station. During her distinguished career, Ms. Onslow has received national recognition for outstanding achievements in local fundraising, as well as for local program production. Before joining WMHT, Ms. Onslow served as Vice President and General Manager of WGBY in Springfield, MA, and as Senior Vice President and Chief Operating Officer of WXXI in Rochester, NY.

Ms. Onslow is a member of the WGBH Educational Foundation, and has also served on the PBS Board of Directors. Locally, she is serving on the Business-Higher Education Roundtable, as well as on the Board of Directors of the Center for Economic Growth. She was co-chair of the 2003 American Heart Association's Capital Region American Heart Walk.

I ask my colleagues to join me today in commending Deborah Onslow for her distinguished career in furthering the mission and values of public broadcasting.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On October 27, 2007 a group of 97 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

TRIBUTE TO PATRICIA TATE OF HOWEY IN THE HILLS, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, each year the President of the United States presents the Presidential Award for Excellence in Science and Mathematics to outstanding teachers in the disciplines of math and science from the 50 States and 4 territories. This year, Patricia Tate from Lake County, FL, is one of the three math finalists for the award from the State of Florida.

Established in 1983, the Presidential Award for Excellence is sponsored by the National Science Foundation. The award recognizes outstanding kindergarten to 12th grade math and science teachers in each State who are models for their colleagues and leaders in the improvement of science and mathematics education.

For the past 42 years Patricia Tate has taught math at the high school level. A current teacher at South Lake High School, she teaches AP Calculus, trigonometry, integrated Math III and Algebra II. In addition to her classroom experiences, Patricia goes out of her way to volunteer as a mentor for other Lake County math teachers. She has also been an online guide for Connected University and has taught at Lake-Sumter Community College.

An avid fan of math from an early age, Patricia really took it on as a passion while her older brother was in college. When he returned home during vacations, he would work with Patricia on math, challenging her to solve more and more complex problems. It was through these exercises that she saw the educational and teaching possibilities that math could create.

Patricia has seen a marked change in the way students are taught throughout her forty-plus years in the classroom. Instead of using the blackboard as the primary tool of instruction, as she did for many years, today Patricia uses multimedia presentations and PowerPoint presentations to reach the current tech-savvy student body. While the classroom experience has gotten more challenging over time, she still enjoys getting letters of appreciation from former students who valued her math teaching and want to thank her for making a difference in their lives.

While Patricia will not find out if she is a winner until next March, I can tell you that her record of accomplishment teaching math to high school students is unmatched in my congressional district. Patricia Tate serves as a role model for other teachers throughout Florida. I wish her the best of luck in the competition and hope that she continues her exemplary work on behalf of Lake County students.

TRIBUTE TO THE AUDUBON OHIO URBAN CONSERVATION CREW SUMMER CAMP AT THE ROCKEFELLER PARK GREENHOUSE IN CLEVELAND

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. JONES of Ohio. Madam Speaker, I rise today to recognize the Audubon Ohio Urban Conservation Crew Summer Camp at the Rockefeller Park Greenhouse in Cleveland. The Ohio program of the National Audubon Society is working hard to ensure that children in the central city have the opportunity to connect with nature and, in doing so, improve both their educational achievement and their sense of community and self-esteem.

During the recent August recess I had the good fortune to visit the Ohio program of the National Audubon Society which is also a program in my own district. The program, a free summer camp for neighborhood children ages 8 to 11, is known as the Urban Conservation Crew. Through this program, Audubon Ohio, in less than five weeks, has succeeded in developing a group of budding scientists who have mastered the fine points of bird identification and behavior, focusing on the birds and plants of their own neighborhood.

Audubon Ohio chose as its location for the camp the Rockefeller Park Greenhouse. The Greenhouse is located in the heart of Cleveland's historic Glenville neighborhood. Owned and operated by the City of Cleveland, the Greenhouse's official function is to develop plants for indoor and outdoor use at other city properties. But the facility includes classroom space, extensive gardens (including a community garden), and a large meadow ringed with mature trees that makes an excellent habitat for birds.

I grew up near the Greenhouse, yet during my visit I learned a lot of new things about it. Chief among these was the fact that the Greenhouse property immediately adjoins an ''Important Bird Area,'' or ''IBA.'' IBAs are part of an international network of areas that are important to the survival of migratory birds. This network was created by a European-based organization, Birdlife International. Audubon is the Birdlife partner responsible for designating and protecting IBAs in the United States.

The Greenhouse sits next to one of 63 IBAs that Audubon has designated in Ohio. Specifically, it is next to the ''Doan Brook/Dike 14 IBA,'' a key migratory corridor that connects the coast of Lake Erie with the upland Shaker Lakes on the western edge of the Appalachian Plateau. In practical terms this means that a lot of interesting birds pass through the area, with many species nesting in it. This in turn creates an opportunity for children in Glenville to explore an important natural area right near where they live.

From what I saw of the camp, Audubon Ohio is taking full advantage of the location of the Greenhouse and the convergence of a central city neighborhood with an interesting natural area. During the first four weeks of the camp, children walked the Greenhouse grounds and the surrounding neighborhood with Audubon instructors who taught them how to identify birds both by sight and by sound. Audubon also took advantage of the plant life inside and outside of the Greenhouse to teach the children about what plants they could grow in their neighborhood and how the birds of the neighborhood would both help the plants survive by eating pests and, in turn, benefit themselves from the seeds and berries produced by the plants.

During my visit the children showed off the knowledge that they had picked up in only a few weeks. They explained to me the concept of ''field marks'' of birds and how I could use field marks to distinguish different species. They identified the various body parts of birds and explained how I could distinguish the sexes of different species, such as the Northern Cardinal. They told me what kind of food birds could find around the neighborhood and how people could help birds by supplying this food. And they explained how to protect birds from man-made threats, such as plastic ''six pack'' holders that, they said, I needed to cut up so that birds would not get their necks stuck in them and choke.

Beyond the knowledge and conservation values that the children were displaying, I was impressed by the passion with which the children were discussing the birds and plants of their neighborhood. I kept having to remind myself that these children were all less than 12 years old, some as young as eight, had no previous interest in birds, let alone experience in identifying them. These children were learning complex fundamental scientific techniques, including observation, distinction, grouping by similarities, understanding food chains and identifying threats and barriers. Introducing children to birds and plants was a great way of teaching them science by drawing on children's inherent desire to explore and understand the natural world around them.

Cleveland is blessed with a number of outstanding institutions that have offered nature-based education to children over the years. These include our fabulous Metro Parks network as well as stand-alone institutions such as The Nature Center at Shaker Lakes, the Lake Erie Nature and Science Center and the Cuyahoga Valley National Park Education Center. These institutions have gone to great lengths to reach out to the central city by bringing children out to their suburban and exurban facilities. I appreciate all of the efforts they have made over the years, and I hope they continue.

What distinguishes Audubon Ohio's Urban Conservation Crew is that it is being conducted right in the neighborhood where the children live. Given the enthusiasm I saw in the children during their visit, I am confident that they will continue to explore Rockefeller Park, looking for birds, plants and other animals, long after the camp is over.

After my visit I learned that Cleveland is not the only location where Audubon has been offering programs like the Urban Conservation Crew to central city children. In Columbus, Audubon is developing the Grange Insurance Audubon Center, a nature-based education center slated to open in 2009 in a central city neighborhood just a mile south of downtown. Audubon already has similar facilities at Prospect Park in Brooklyn and in Debs Park in East Los Angeles. Another urban center, known as ''the Rio Salado Center,'' is under development in the heart of Phoenix.

It is notable that Audubon Ohio produced the Urban Conservation Crew program almost

entirely with private funds. Support came from the Cleveland Foundation, the Kent H. Smith Charitable Trust, and the Shaker Lakes Garden Club. Audubon Ohio did, however, receive a small amount of federal money, specifically a $5,000 grant from the U.S.D.A. Natural Resources Conservation Service. It goes to show how a relatively small amount of federal dollars can be leveraged to produce great results.

I commend Audubon, Ohio for helping to reconnect children with nature, particularly in the central city. Audubon and its Ohio program deserve high marks for their creativity and skill in doing so at the Rockefeller Park Greenhouse in Cleveland and elsewhere. They provide great hope for the future.

MARIANAS WAGE HIKE SHOWING POSITIVE EFFECTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to share encouraging news from the Commonwealth of the Northern Mariana Islands. As many of my colleagues know, I have been fighting for years to ensure that employers in the CNMI—an American territory in the Pacific—pay their workers an honest wage.

But for years, we were blocked from reforming the broken labor and immigration system in the Marianas. The corrupt lobbyist Jack Abramoff's collusion with then-Majority Leader Tom DeLay and others here in Congress meant that the CNMI's sweatshop-based economy persisted for almost two decades after we were first made aware of abuses there.

Eventually, Abramoff's dishonest schemes, which caused so much human misery, caught the attention of law enforcement, and the web of corruption is now unraveled. Jack Abramoff is in prison, Representative DeLay no longer serves in this House, and the Congress has a Democratic majority.

That is good news for the workers of America and especially those in the CNMI. Earlier this year, the new Congress raised the minimum wage across the country for the first time in almost a decade. And for the first time, that increase applies to the Northern Marianas. Today, workers there make $3.55 an hour, up from the barely $3 that workers there were paid for years.

This long-overdue reform is already having a positive effect, and I commend to my colleagues the article below from the Marianas Variety (''Labor: Wage hike drives locals to seek jobs''). As the article explains, we still lack good data on the CNMI job situation, but the trend is very encouraging: the number of people looking for jobs in September of this year was up by an incredible 80 percent compared to the same period last year, according to their Department of Labor.

For too long, thanks to policies that reinforced the low-wage garment industry's dominance, there were very few good-paying jobs in the Marianas: if you weren't willing to work for $3 an hour, you could either work in the public sector, or you could live on public assistance. But as the Commonwealth's deputy secretary of labor says in the article, ''There are so many people looking for jobs not only because they need them but because the (minimum) wage is now $3.55 an hour. It's waking them up to go out (and join the workforce).'' The bottom line is that the increase in wages is attracting jobseekers to private sector jobs, exactly as we predicted.

It's an abiding shame that it took the U.S. Congress so many years to bring reforms to the Mariana Islands and to raise the minimum wage. And it was a major setback for workers there when the government of the Commonwealth went back on earlier attempts to raise the wage locally. But even though it comes years after I would have liked, I am pleased, although not surprised, by this early report. Under the leadership of this New Direction Congress, we are starting to turn things around, and we are beginning to see the positive results of raising the minimum wage.

Paying honest wages for honest work is good for our economy and the right policy for our country. Members of this Congress should be proud that we are moving America, and the Commonwealth of the Northern Mariana Islands, in a new direction.

[From the Marianas Variety, Oct. 26, 2007]

LABOR: WAGE HIKE DRIVES LOCALS TO SEEK JOBS

(By Gemma Q. Casas)

The 50-cent increase on the local minimum wage in July resulted in an increase in the number of locals seeking employment assistance at the Department of Labor, according to its deputy secretary, Alfred Pangelinan.

He said there were 1,800 local jobseekers in September up by 80 percent compared to the same period last year when Labor assisted 1,000 jobseekers.

He attributed the sudden surge to the increase on the minimum wage from $3.05 an hour to $3.55 and the worsening economic crisis. ''There are so many people looking for jobs not only because they need them but because the (minimum) wage is now $3.55 an hour. It's waking them up to go out (and join the workforce),'' he said.

He believes that as the local minimum wage increases, more residents will be enticed to work in the private sector.

The Federal Minimum Wage Act became law in May of this year and it also applies to the CNMI, mandating an increase of the local minimum wage by 50 cents every year until it reaches the U.S. minimum wage of $7.25 an hour.

The next 50-cent increase in the CNMI minimum wage will take effect in July 2008, which will raise the rate to $4.05 an hour.

The Department of Labor says it is also making sure that local residents who are employed get the monetary equivalent of their foreign counterparts' non-monetary benefits to further encourage them to work.

Pangelinan said the real unemployment rate among the local population is difficult to determine because the statistics only include those that come forward and seek assistance. There hasn't been any CNMI-wide survey conducted in recent years to determine how many local residents are jobless.

TRIBUTE TO CHRISTINA HALE VANBRAKLE

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to congratulate Ms. Christina Hale VanBrakle, who everyone knows as ''Tina,'' a long-time employee of the Federal Election Commission, who will retire from the United States Government at the end of this year after more than 38 years of distinguished federal service. Tina has spent 28 of those years working at the Federal Election Commission and the last 19 assisting me and many of my colleagues as the FEC's Director of Congressional, Legislative and Intergovernmental Affairs.

A native of Washington, DC, Tina grew up in Maryland and has been a resident of Silver Spring in Montgomery County, Maryland for the last 24 years. After graduating from Suitland Senior High School in Maryland, she accepted a job at the Maritime Administration, Department of Commerce, where she spent 2 years working as a press assistant for the late John K. Tennant, who was the Press Officer. Mr. Tennant introduced Tina to then-Chairman Helen Delich Bentley of the Federal Maritime Commission, and former Congresswoman from Maryland. She accepted a secretarial position with Chairman Bentley where she was employed for several years. Tina has fond memories of traveling with Chairman Bentley on various speaking engagements. Most memorable was a visit to San Clemente—the Western White House—for a meeting with Japanese shipping interests during the Nixon Administration. Tina also met her husband, Bryant, while employed at the FMC. They were married in 1983 and have three children, Wendye, Ashley and Derek. They have one grandchild, Dominic, with another expected in January 2008.

Tina also worked with Vice Chairman Barbara Hackman Franklin at the Consumer Product Safety Commission, CPSC, enrolling at the University of Maryland at night, where she earned a Paralegal Certificate in the Legislative Liaison Program and a B.S. in management and technology and political science. Tina then joined the newly created Washington office of a Detroit law firm.

Tina joined the Federal Election Commission in 1979, where she worked for the Deputy Staff Director, then served as Special Assistant to the Staff Director. In 1988 she was named Director of Congressional, Legislative and Intergovernmental Affairs. Tina is widely respected on the Hill for her dedication and quick and accurate responses to questions and perhaps will be best remembered by the campaign finance community for providing fair and impartial advice to anyone who contacted her.

Whether she was answering a simple question regarding the campaign finance laws, preparing a fact sheet for a Member of Congress on a budget or campaign finance matter, or preparing Commissioners for a hearing, Tina served with commitment, integrity and competence. On the occasion of her retirement from the United States Government, I offer my congratulations, and wish Tina and her husband, Bryant, all the best in their future endeavors.

TRIBUTE TO OLGA WOLOSYN, MAYOR OF THE CITY OF ENGLEWOOD

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Ms. DEGETTE. Madam Speaker, I rise to honor the extraordinary life and exceptional accomplishments of Mayor Olga Wolosyn. This remarkable public servant merits both our recognition and esteem as her impressive record of civic leadership and invaluable service has improved the lives of our people.

Sadly, Mayor Wolosyn was taken from us by a series of brain aneurysms at the young age of 54. Olga will be greatly missed. Her passion for civic life and her capacity for community service were boundless. Her indomitable spirit sustained her through many challenges and molded a life of genuine accomplishment. Truly, her passing is a great loss to our entire community. Olga came to us from her native Pennsylvania where she earned her bachelor of arts degree from Seton Hill College. Subsequently, Olga and her husband moved to the Front Range from Grand Junction in 1972. Olga was elected to the Englewood City Council in November 1999 and served as mayor from November 2005.

I always looked forward to visiting with Olga and members of the Englewood City Council because I was so taken by Olga's energy and enthusiasm for Englewood's plans as well as prospects for the future. She was a powerful advocate for her city and inspired conduct beyond the expected. Good leaders set the example and Olga led by doing. Many have pointed out that Olga "was tireless and seemed to volunteer constantly," "she was going full speed all the time," "she had everyone's best interest at heart" and "regardless of the task for which she volunteered, she always got it done and got it done on time." Olga was a devoted volunteer with the schools; she served on the water board and the pension board; she served on the Englewood Education Foundation and the Englewood Teenage Drinking Task Force and she served on the board of the Greater Englewood Chamber of Commerce. As mayor, she helped secure a $1 million grant for schools to teach mathematics through art. In addition to her community service, Olga was a businesswoman and operated a pottery establishment—Wolosyn-Doty Pottery—with her husband, Jim Doty. Given Olga's capacity for achievement, it comes as no surprise that the Englewood Chamber chose Olga as Business Woman of the Year in 2004.

Civic institutions depend on people with enormous energy and imagination. Olga was an extraordinary civic leader because she understood there are many ways to define a community. Olga was an artist and she recognized the power of art to inspire creativity, to bring people together and to foster new ways of collaboration. Olga's efforts to expand public art in Englewood added dimension to public spaces and created a deeper interaction between the community and its environs. As one of the founders of Englewood Arts, I believe Olga knew that the vision of a thriving community needed art and culture at its center and that is why Olga worked tirelessly to establish a cultural arts facility and make the arts part of the Englewood experience. Someone once noted that "a thriving culture is a community alive." We are grateful for the life and vitality Olga brought to the arts, culture and the community. Her efforts have enhanced our sense of place and increased our quality of life.

Olga Wolosyn lived a life that is rich in consequence. Englewood is a better place because of her efforts. Her character and her deeds leave a legacy of civic commitment rivaled by few. Truly, we are all diminished by the all too early passing of this remarkable woman. Please join me in paying tribute to the life of Mayor Olga Wolosyn, a distinguished public servant. It is the values, leadership and dedication she exhibited during her life that serves to build a better future for all of us.

CONGRATULATING JEFFERSON ELEMENTARY SCHOOL IN FARMINGTON, MISSOURI

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Jefferson Elementary School in Farmington, Missouri for receiving one of the most prestigious education awards in the country—the Blue Ribbon Schools Award. The administrators, teachers and students at Jefferson Elementary have all committed themselves to ensuring a brighter future for our Nation.

The foundation of our Nation is the education of our youth. Schools like Jefferson Elementary guarantee hope for the next generation by inspiring and empowering each individual to achieve his or her maximum potential. The teachers, administrators and parents at Jefferson Elementary understand a strong education system is necessary to grant each child the opportunity to succeed.

Jefferson Elementary is a shining example of what can be accomplished when teachers and students work purposefully together. I am very pleased that their successes are being closely observed by other schools and communities across the Nation. Jefferson Elementary's successes will motivate others, regardless of background or circumstance, to meet higher standards and guarantee a hopeful future for our country.

Madam Speaker, it is a great privilege to pay tribute to Jefferson Elementary for this important achievement. I ask that you join me in congratulating the students, teachers, administrators and parents of Jefferson Elementary on this tremendous honor.

HONORING THE MEMORY OF DEAN PERRY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor the memory and life of Dean Perry, a resident of the First Congressional District of Tennessee, who passed away October 23, 2007.

Dean Perry was born in Elizabethton on December 5, 1925, to the late Ike and Martha Peters Perry. Mr. Perry served in the United States Army as a sergeant in the 5th Army in Italy during World War II and was recalled to active duty during the Korean War.

He was a member of Grace Baptist Church in Elizabethton. His life of service was not only in the military. Mr. Perry was a member of the Dshiell Masonic Lodge #238 F & AM, Shriners, American Legion Post #49, Civitans and the Capt. Lynn H. Folsom VFW Post #2166.

Mr. Perry also served on the Carter County election Commission, First Tennessee-Virginia Development District, Board of Directors for the Carter County Rescue Squad, Elizabethton City Council, Mayor of Elizabethton and Chairman of the Carter County Commission.

He is survived by his lovely wife of 55 years, Ella Ruth Nave Perry.

Madam Speaker, I ask that the House join me in offering our sympathies to the family and friends of Dean Perry. He was a dedicated family man, a servant of this Nation, and a true patriot.

His service is greatly treasured, and he will be deeply missed.

IN RECOGNITION OF THE ROCKY MOUNTAIN FARMERS UNION

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the Rocky Mountain Farmers Union, RMFU, for 100 years of proud service to the independent farmers and ranchers of Colorado, New Mexico and Wyoming.

The Rocky Mountain Farmers Union was founded in 1907 as a grassroots organization dedicated to improving the well-being of family producers and their communities through legislation, cooperation, and education. This organization believes, as I do, that stable farm and ranch families are the foundation of healthy rural communities, and healthy rural communities bolster the entire U.S. economy and provide the Nation with a steady, wholesome, local food supply.

As a practical display of these values, RMFU founded the Educational Charitable Foundation in 1996 offering programs such as the Cooperative Development Center, seminars and conferences on renewable energy, and campaigns such as "Buy Fresh Buy Local." As a family organization RMFU also sponsors activities and educational opportunities for all ages, from toddlers to senior citizens. This organization seeks to meld the value of experience with the importance of developing young leaders.

Madam Speaker, I am honored to publicly recognize the Rocky Mountain Farmers Union on their 100th anniversary and thank them for their service to the ranchers and farmers of Colorado's Fourth Congressional District. And although we don't always agree about how best to help farmers and ranchers, I wish RMFU continued success as they advocate for the needs of the independent producer into the next century.

RECOGNIZING THE 100TH ANNIVERSARY OF WALTER P. REUTHER'S BIRTH AND THE REDEDICATION OF REUTHER MIDDLE SCHOOL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. KNOLLENBERG. Madam Speaker, I want to recognize the 100th anniversary of the birth of a great civic leader, Walter P. Reuther, and the rededication of Reuther Middle School in Rochester Hills, Michigan on October 28, 2007.

Mr. Reuther grew up in Wheeling, West Virginia where he learned the value and practicality of trade unionism. After serving an apprenticeship in tool and die work, he left for Detroit to complete his education and join the automobile industry with both Ford and General Motors. Mr. Reuther became an active member of the United Automobile Workers (UAW), where he eventually became president of the UAW Local 174 and a member of the UAW executive board. In 1946, Mr. Reuther was elected president of the UAW, a position he held until his passing in 1970.

As president of the UAW, Mr. Reuther worked to enhance job security, medical insurance, pensions, and supplemental unemployment benefits for the union members. Mr. Reuther used his position to influence far more than just labor policies. He stood beside Dr. Martin Luther King, Jr. as he delivered his historic ''I Have a Dream Speech'' and was a strong supporter of the Civil Rights Movement. For all of his contributions Mr. Reuther was named in TIME magazine's list of the 100 most influential people of the 20th century.

Reuther Middle School, part of the Rochester Community School Community, was named in honor of May and Walter Reuther for their service to the school community. Opened in 1973, Reuther Junior High, as it was then named, taught 750 students in grades seven through nine. In 1986, the Rochester Community Schools changed to a middle school philosophy, serving grades six through eight, and changing the name to Reuther Middle School.

In the 2003–2004 school year, the citizens of Rochester Community School District approved a bond measure to renovate Reuther Middle School. On October 28, 2007, Reuther Middle School will be officially rededicated, celebrating not only their 35th school year, but also the 100th anniversary of Mr. Walter P. Reuthers' birth.

Madam Speaker, today I commend Reuther Middle School for their continued devotion to the community and their record of excellence. Let the school continue to be a tribute to a great civic and social leader, Mr. Walter P. Reuther.

HONORING MASTER SERGEANT ADOLFO ''POPO'' GONZALEZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. CUELLAR. Madam Speaker, I rise today to honor Master Sergeant Adolfo ''Popo'' Gonzalez, on his retirement from the Texas Army National Guard, where he served his state and country honorably for the past 39 years.

Mr. Gonzalez was born to Aurelia Lopez Gonzalez and the late Eusebio Bustos Gonzalez in June 17, 1949, in Laredo, Texas. He started working at the family restaurant when he was 12 years old, and then ran a paper route for the Laredo Morning Times. Mr. Gonzalez graduated from J.W. Nixon High School in 1967, and then received his associate degree from Laredo Community College. He joined the Texas National Army National Guard on May 25, 1968, which began the start of his 39 years service in the National Guard. Mr. Gonzalez received his B.S. in Education with a major in English and Spanish from Texas A&M International University.

Mr. Gonzalez is intensely involved in the community as a member of several local and non-profit organizations such as President of LULAC #690, Laredo Mexican-American Chamber of Commerce, Laredo Frontier Days, Webb County Community Action Agency, and the Laredo Veterans Coalition. He also is a member of the Laredo Airport Advisory Board, the Webb County Water Committee, Laredo Evening Lions Club, Santa Isabel Creek Feasibility Study, Non-Commission Officers Club of the Texas Army National Guard, Texas State Teachers Association, and the National Guard Association of Texas.

In addition to his civic involvement with the community, Mr. Gonzalez works as a teacher at United High School, where he has taught oral communications to ESL learners for the past 22 years. When he is not teaching students or working with community organizations, Mr. Gonzalez helps his fellow veterans out as the Laredo Area chair for Employer Support of the Guard and Reserves, which works with local employers to safeguard the rights of guardsmen and reservists. He was named the Outstanding Volunteer for the State of Texas in recognition of his work with ESGR.

Mr. Gonzalez is a proud father to six children: Adolfo, Jr., Albert, Richard, Annette Marie, Alejandro Jose, and Yvette Magally. He has been married to his wife, Juana Maria Lopez, for the past 25 years.

Madam Speaker, I am honored to have had this time to recognize the dedication and commitment of Master Sergeant Adolfo ''Popo'' Gonzalez to the City of Laredo in the State of Texas.

TRIBUTE TO JEANNINE TUTTLE RAINBOLT

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BOREN. Madam Speaker, I rise today in order to pay special tribute to one of Oklahoma's own, Jeannine Tuttle Rainbolt, who recently lost her life after a long struggle with lung cancer.

I join with all my fellow Oklahomans in mourning the tragic loss of this remarkable woman. Jeannine Tuttle Rainbolt was both deeply admired and sincerely respected by all who knew her. She will forever be remembered for her generosity, leadership, and integrity.

For 57 years, she was dedicated to her husband and best friend, Gene Rainbolt, who will undoubtedly miss her. Our thoughts and prayers are with Gene and all who mourn the loss of Jeannine.

Jeannine lived a purposeful life focused on enhancing the lives of others. Throughout her career as an educator, she inspired her pupils to vigorously pursue greater levels of personal and academic achievement; and she tirelessly worked to shape youth, into the leaders of the future. Jeannine's example also reached beyond the walls of the classroom. As a passionate and active philanthropist, she was a model member of her community, inspiring countless others to become civically engaged and to join together for the purpose of strengthening local families and communities.

Madam Speaker, it is without question Jeannine was an exceptional woman; however there is one notable quality about her which I find to be most remarkable—her ability to persevere. Throughout her difficult struggle with cancer, she never yielded to despair. Rather she continued to live with hope and grace.

For these reasons, Madam Speaker, I commemorate the life and legacy of Jeannine Tuttle Rainbolt along with my fellow Oklahomans. Jeannine's legacy of unconditional love, generosity, and leadership will undoubtedly continue to exist in the hearts and minds of all she inspired.

RECOGNIZING THE VISIT OF MAYOR OF FAMAGUSTA, CYPRUS, MR. ALEXIS GALANOS

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to welcome Mr. Alexis Galanos, the elected Mayor of Famagusta, Republic of Cyprus to Washington, DC. Mayor Galanos is the only democratically elected and exiled mayor of a population that is primarily constituted of refugees. He was elected Mayor of Famagusta in December of 2006 and has since worked tirelessly to raise humanitarian awareness about Famagusta and its exiled people.

He is here championing the global campaign undertaken by the Citizens of Famagusta for the return of their city in the occupied area of Cyprus which has been a ''ghost town'' since the 1974 illegal invasion by Turkey.

Famagusta was the main town of the second largest district of Cyprus both in terms of its population and surface area. The cultivation and production of the potato crop, the rich and fertile mainland, the port, tourist and industrial sectors, were the most significant contributors to the city's economic dynamism prior to the 1974.

The development of the tourist industry in the late 1960s and early 1970's had very beneficial effects for the construction industry and moreover, supplied many jobs to the local population, in particular with respect to services related to tourism. A great number of people came to Famagusta on a daily basis, primarily for work. This greatly enhanced the economy of the city and assured a steady rise in its living standards.

Famagusta was the island's most cosmopolitan destination. The construction of a

modern harbor for Famagusta in 1932 was an important factor in the promotion and development of the city and contributed to a surge in its economic activity. The expansion and deepening of the harbor, completed in 1965 solidified Famagusta's position that became dominant in terms of the flow of merchandise coming in and out of the island.

On July 20, 1974, Turkey unlawfully invaded Cyprus, and a few weeks later, on August 14, Turkish military forces in the second phase of the invasion moved further south and bombarded Famagusta relentlessly. Greek Cypriots were forced to flee their homes in fear and terror, never to return again. Turkish forces sealed off the city 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.

Since the Turkish invasion, religious symbols, churches, monasteries, and cultural heritage of Cyprus have been subject to destruction, looting and vandalism, stolen, and illegally excavated and sold on the black market.

More than 500 Greek Orthodox churches and chapels, 17 monasteries in the occupied area in the north have been pillaged, destroyed, turned into casinos and stables. The ecclesiastical items for these sites—including more than 15,000 portable icons—remain unaccounted for.

Since 2003, with the partial lifting of movement restrictions by the occupation regime, Greek Cypriot displaced persons could visit their homes and properties, but are stilt denied the right to return and live where they were born and raised.

A large proportion of the properties from which the Greek Cypriot owners were expelled, was unlawfully distributed to and is currently being used by the tens of thousands of illegal settlers from Turkey.

Unprecedented illegal construction is taking place on land which belongs to Greek Cypriots forced to abandon their homes during the invasion by Turkey.

The U.N. General Assembly, the U.N. Security Council and the U.N. Commission of Human Rights, as well as the European Parliament, the Council of Europe, and several other international organizations have repeatedly demanded the urgent return of the refugees to their homes in safety. In particular, since 1974, more than 75 resolutions have been adopted by the U.N. Security Council and more than 13 by the U.N. General Assembly, calling inter alia for the return of the refugees to their homes and properties. Furthermore, in regards to Famagusta/Varosha area, OP 5 of the the U.N. Security Council resolution 550/1984, inter alia states, that it "considers attempts to settle any part of Varosha by people other than its inhabitants as inadmissible and calls for the transfer of this area to the administration of the United Nations".

These resolutions are being ignored by Turkey, which has refused to comply, and flagrantly continues to violate the basic human rights and fundamental freedoms of the Greek Cypriots, including the freedom of movement and ownership.

The European Court of Human Rights found Turkey guilty of violating relevant articles of the European Convention on Human Rights and Fundamental Freedoms for refusing to allow the return of any Greek Cypriot refugees to their homes and denying them access to and use of their property.

In the 1979 High Level Agreement between the then President of the Republic of Cyprus Mr. Kyprianou and the then Turkish Cypriot leader Mr. Denktash, it was agreed that "priority will be given to reaching agreement to the resettlement of Varosha under U.N. auspices simultaneously with the beginning of the consideration by the interlocutors of the constitutional and territorial aspects of a comprehensive settlement. After agreement on Varosha has been reached it will be implemented without awaiting the outcome of the discussion on other aspects of the Cyprus problem". Unfortunately, Turkey has not adhered to this agreement in any discussions regarding the return of the refugees.

Expatriated and uprooted Famagustians worked very hard, both in Cyprus and abroad to make a living, they had to start from scratch.

The people of Famagusta, like all other Greek Cypriot refugees, have a burning desire and right to return to their homes.

I commend Mayor Galanos for the extraordinary outreach he has engaged in to bridge the gap between the Greek and Turkish Cypriot divide and work towards a reunified Cyprus and a thriving and bustling Famagusta.

TRIBUTE TO STEVEN MICHAEL ASHLOCK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Steven Michael Ashlock of Liberty, Missouri. Steven is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Steven has been very active with his troop, participating in many scout activities. Over the many years Steven has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Steven Michael Ashlock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE ASSESSMENT ACCURACY AND IMPROVEMENT ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. PETRI. Madam Speaker, as Congress considers the reauthorization of the No Child Left Behind Act this year, have an obligation to listen closely to the students, parents, and educators that we represent to ensure that our efforts result in responsible and pragmatic improvements. While we have made great strides in the areas of assessment and accountability over the last five years, this reauthorization provides a critical opportunity to learn from our experiences and fine-tune the law.

One example of a lesson my constituents have learned, and have adamantly shared with me, is that we should be encouraging States to move toward better assessment models. As I have met with educators over the past year, one of the primary concerns that I have heard is that the State assessment fails to provide information of value to educators and administrators. Even more disturbing, it often takes 4 to 6 months before scores are returned to schools, which leaves little or no time for teachers to use the information to address student performance before they advance to the next grade.

However, I believe there is a sensible solution that Congress can adopt to address these concerns and give States more options in assessment design. Today, Representative DAVID WU and I are introducing the bipartisan Assessment Accuracy and Improvement Act of 2007 to give States the option to use adaptive testing as their statewide assessment measuring reading, math, and science to fulfill No Child Left Behind requirements. I believe that this legislation will give States the ability to truly track the academic growth of every child and provide more accurate information to teachers, parents and school administrators through the use of an adaptive test.

For those who may be unfamiliar with adaptive testing, it is a test that changes in response to previously asked questions. For example, if a student answers a question correctly, the test presents a question of increased difficulty. If a student answers incorrectly, the test presents a question of decreased difficulty. As you can see, an adaptive test customizes itself to a student's actual level of performance with a great degree of accuracy.

Giving States the flexibility to use an adaptive test and to ask questions outside of grade level will improve the accuracy of student assessment and enable educators to target appropriate instruction for each child based on performance at, above, or below grade level. In addition, using an adaptive test over time will allow accurate measurement of the performance growth of each individual student.

In my district, nearly a third of school districts currently use their own funds to participate in adaptive testing in addition to the State assessment required by NCLB. Educators and administrators appreciate the diagnostic information it yields and the efficiency that it provides. I believe that school districts nationally are already "speaking with their wallets" by spending scarce resources to voluntarily participate in this testing because it provides valuable information that the State assessment does not. And, although our bill does not require States to adopt adaptive testing, it gives them the freedom to do so should they decide it is a better model for their students and educators.

Madam Speaker, adaptive testing and growth models are the key to putting the "child" back into No Child Left Behind. I hope that our colleagues will join us in this pragmatic and responsible improvement to the law as we work towards a bipartisan reauthorization this year.

HONORING THE DR. MARTIN LUTHER KING, JR. PARADE AND SCHOLARSHIP COMMITTEE

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. SIRES. Madam Speaker, I rise in honor of the Dr. Martin Luther King, Jr. Parade and Scholarship Committee on their 20th Anniversary. The Committee has fulfilled its mission to honor the memory of civil rights leader Dr. Martin Luther King, Jr. and kept his legacy alive by providing scholarships to deserving students.

The Dr. Martin Luther King, Jr. Parade and Scholarship Committee was founded in 1987 by James Caldwell, Herb Champion and the late Tony Filmore. Their enthusiasm allowed them to be able to organize their first march in honor of Dr. King in January of 1988. Year after year, the event has been successful in bringing together the African-American community, as well as in promoting the values that Dr. King taught us all: respect, inclusion and dignity. Today, 16 members work tirelessly to put together a spectacular parade that has become a tradition in our congressional district.

In August of 1990, the members of the Dr. Martin Luther King, Jr. Parade Committee expanded their mission by creating a scholarship that would help outstanding students achieve their educational goals. Since then, twenty-four students have received yearly scholarships over four-year periods, recognizing the achievements of five college-bound high school seniors each year and giving them the opportunity for a better future.

Please join me in congratulating the Dr. Martin Luther King, Jr. Parade and Scholarship Committee on their 20th Anniversary. I wish them continued success and hope they continue to instill the teachings of Dr. King in our youth who are the future of the 13th Congressional District.

TRIBUTE TO RYAN DANIEL FOLEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ryan Daniel Foley of Gladstone, Missouri. Ryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many scout activities. Over the many years Ryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan Daniel Foley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF PATRICIA HANS, NEW JERSEY COUNCIL FOR THE HUMANITIES 2007 TEACHER OF THE YEAR

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to the extraordinary public service of Patricia Hans, who this weekend will be honored by the New Jersey Council for the Humanity as the 2007 Teacher of the Year.

Pat Hans is an American Studies teacher at Ridgewood High School, where she teaches an interdisciplinary program of history and literature. Using literature to understand historical events and history to enhance the literary experience, her classroom has been described as a place where ''ideas explode into reality.'' Pat Hans draws on the rich cultural and historical resources of North Jersey to give her students a textured experience in learning.

In addition to teaching at Ridgewood High School, Pat Hans also teaches English Composition at Bergen Community College as an adjunct professor. A graduate of the State University of New York at Albany, with a Masters in English from my alma mater, Montclair State University, Pat Hans is a respected lecturer as well.

She has given presentations before the Bard College Institute for Writing and Thinking, the New Jersey Writing Alliance, the New Jersey Council for the Teachers of English, and the New Jersey Education Association. She has been bestowed a number of fellowships and awards for her work, including the Summer Institute Fellowship from the National Endowment for the Humanities, the Geraldine R. Dodge Foundation Poetry Fellowship, and a John F. Kennedy Public Service Grant. In both 2003 and 2004, she was named the Seton Hall Teacher Scholar.

Pat Hans demonstrates an ongoing love for history and literature and continues to deepen her own knowledge and understanding for the humanities. Her passion for learning is infectious and no one benefits from it more than the students who enter her classroom. She is a model teacher and an exemplary public servant. As her colleagues honor her this weekend, I join them in commending her for her commitment to excellence in education.

HONORING SARKIS SARABIAN AS THE 2007 AGRICULTURIST OF THE YEAR

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate Mr. Sarkis Sarabian, president of Sarabian Farms in Sanger, California, for receiving the 2007 Agriculturist of the Year Award from the Greater Fresno Area Chamber of Commerce. As a family farmer, who has lead his family's growing and shipping operations for many years, Sarkis is most deserving of this honor.

The roots of Sarabian Farms run deep in California's Central Valley. Since 1920 the Sarabian family has actively participated in the farming operation specializing in peaches, plums and nectarines. Now in its fourth generation, Sarabian Farms is proof that multi-generational farming can continue to thrive as an outstanding enterprise for many years.

For ten years, Sarkis has worked with Asian growers in the Central Valley to help them develop quality control and marketing skills. He is a founding member of the Armenian Technology Group in Fresno and has worked on projects that included reviving the honey industry in Nagorno-Karabakh, a separatist region of Azerbaijan.

Mr. Sarabian, a licensed pest control advisor, has also worked as a soil conservationist and an agricultural consultant in countries that include Mexico, Chile, South Africa, Kenya, Moldova, Jordan, Venezuela and Morocco.

Sarkis Sarabian exemplifies great principle and integrity. He is a role model for all of us, especially our Valley's upcoming generation of agricultural professionals. It is with great pride that I congratulate him for receiving this distinguished award and for all that he does on behalf of the industry.

TRIBUTE TO DANIEL BAILEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Bailey of Kansas City, Missouri. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Daniel Bailey for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO UNITED STATES NAVAL ACADEMY CLASS OF 1957 ON ITS 50TH ANNIVERSARY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to recognize the proud service of the United States Naval Academy's class of 1957.

One of the noteworthy benefits of serving as a Member of Congress is the opportunity to meet with and nominate some of our Nation's best and brightest students for an appointment to one of our Nation's five service academies. Founded in 1845, the United States Naval Academy is not only a training ground for our Nation's naval leaders, but also one of the most prestigious academic institutions in the country.

Madam Speaker, the class of 1957 consisted of 848 members, 21 who went on to achieve the rank of admiral or general. Of those graduates, 568 were commissioned in the Navy with 160 attending naval flight school; 203 served on Navy destroyers; 42 on auxiliary ships; and 94 on capital ships, including aircraft carriers. Another 104 graduates of the class served in naval submarines. The remaining graduates went on to serve in other branches of the military, including 64 who went on to join the Marine Corps and 206 who were commissioned into the Air Force.

Madam Speaker, of the 848 members of the class of 1957, 534 members served 20 years or more in their respective military branch. After their service was completed, 169 classmates went on to become executive officers of their respective businesses with 33 serving as CEO. Notable classmates include Huntsville, Alabama resident Fritz Steiner; Apollo astronaut Charlie Duke; Brad Parkinson, who developed the global positioning system (GPS); and Lee Hyatt, a Vietnam prisoner of war who survived 2,050 days of captivity in North Vietnam.

Madam Speaker, these men have proudly served their country and their community for over a half-century. On October 27, 2007, the surviving members from this class are meeting to celebrate their 50th anniversary. It is my privilege to rise today to congratulate these outstanding individuals for their devotion to duty, significant accomplishments, and unswerving dedication to the United States.

HONORING ALVIN W. SMUZYNSKI

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. DAVIS of Virginia. Madam Speaker, on behalf of myself and Representative JIM MORAN, I rise today to recognize Alvin W. Smuzynski, Jr., recently retired President and Chief Executive Officer of Wesley Housing Development Corporation of Northern Virginia.

We are all aware of the national affordable housing problem that is especially acute in Washington and other metropolitan areas. Low and moderate rental properties are out of reach for scores of our most vulnerable citizens. For nearly three decades, Mr. Smuzynski used his time and talent to increase affordable housing in northern Virginia—as a Commissioner on the Fairfax County Redevelopment and Housing Authority; as a volunteer for Wesley Housing Development Corporation; as a Board member; Board Chairman; and as President/CEO of Wesley Housing.

True to its mission, Wesley Housing, under Mr. Smuzynski's leadership for the last 9 years, pioneered affordable housing solutions that have stabilized and strengthened families, neighborhoods, and entire communities throughout northern Virginia. During his tenure as President/CEO, more than half of the organization's 1,267 units were built or acquired. Under his leadership, Wesley Housing achieved the Housing Association of Nonprofit Developers' (HAND) 2006 Developer of the Year Award and Leadership Fairfax's Regional Leadership Award.

Mr. Smuzynski forged ahead on innovative projects. He built northern Virginia's only barrier-free apartment community for low-income, severely physically disabled individuals—the 22-unit Coppermine Place I in Herndon—selected as HAND's 2007 Best Project in northern Virginia. The project was awarded the first Accessible Design Award by the Coalition for Housing Opportunities In the Community for Everyone, Inc. (CHOICE).

In 1999, Mr. Smuzynski completed Wesley Agape House, a 12-unit apartment house for individuals and children living with HIV/AIDS—the first project of this type in northern Virginia. Mr. Smuzynski's advocacy efforts were vital to establishing a non-competitive tax credit pool for preservation projects in northern Virginia. In 2005, his work with the Washington Metro Bankers' northern Virginia Affordable Housing Alliance resulted in the establishment of Fairfax County's innovative "Penny for Housing Fund." The trust fund supports preservation and development of affordable housing. Even in retirement, he continues to work with other counties in northern Virginia to establish affordable housing programs and funding sources. For these efforts, Mr. Smuzynski was inducted into the Virginia Housing Coalition's Affordable Housing Hall of Fame.

Madam Speaker, in closing, I would like to thank Alvin Smuzynski for his selfless commitment to meeting his community's needs. His legacy of growth, perseverance, and innovation was built on his dedication to balancing northern Virginia's housing needs. I call upon my colleagues to join me on commending him for his past success and wishing him the best of luck in all future endeavors.

TRIBUTE TO CHRIS WILSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chris Wilson of Kansas City, Missouri. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many scout activities. Over the many years Chris has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chris Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO NEW EBENEZER BAPTIST CHURCH

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. CLYBURN. Madam Speaker, it is my honor to rise today on behalf of New Ebenezer Baptist Church. This beacon of hope in Florence, South Carolina has provided faith and fellowship for its congregation for 100 years.

The rich history of this Florence religious institution began on August 5, 1907. The land for the church was donated by the late Deacon James Norwood, and New Ebenezer has stood on this same site for a century. In the early years, the church was served by Reverends A.J. Streater, Bass, T.T. Tucker, Sasser, and D.J. Johnson.

In 1927, Reverend J.L. Brooks became the pastor of New Ebenezer and served as its spiritual leader until 1941. He was succeeded by Revered W.A. Johnson, who grew the church spiritually and financially. Under his leadership, the present block structure was constructed in 1949. Ten years later, Reverend E.D. Dixon took over the helm of the church and succeeded in increasing the membership and paying off the church's mortgage.

Dr. John Julius Abney became the minister of New Ebenezer in 1963. He oversaw a tremendous time in the church's history. In his first year, a block hut was added to the church. His vision for the church's expansion was further realized with the addition of new properties and the expansion and renovation of the exterior and interior of the main sanctuary. These changes included the addition of a vestibule, the erection of the education building, the cornerstone laying for the main sanctuary, and renovations of the parsonage. It was in 1966, under Dr. Abney's leadership that the church received its first charter from the State designating it officially as New Ebenezer Baptist Church.

Dr. Abney's tenure of extraordinary change was followed by the service of Dr. William Edward Chancy who also presided over significant growth of the church in both membership and its footprint. Under Reverend Chancy's oversight, properties adjacent to the church were purchased, the parking area was paved, and a new bus was purchased. Perhaps the largest growth in the ministry of the church came with the addition of a child care center on site.

In 1981, Reverend Lewis P. Graham became the leader of the church in which he was raised. This son of the church led the congregation to install a new heating and air conditioning system, purchase a new piano and organ, and pay off the church bus.

Leadership of New Ebenezer fell to the church's officers from December 1988 to October 1989, and they continued to improve the church and its surroundings. Under their leadership, the Missionary Department undertook the project of converting the ladies lounge into a church library. Deacon Hosea Quillen, Sr. and his son donated most of the labor for this effort. The church officers also erected a new steeple and installed a new roof on the main sanctuary. Aluminum siding and painting was done to the exterior of the sanctuary and education building.

In October 1989, Reverend James E. Rutledge was called from East Orange, New Jersey to lead New Ebenezer. Under his leadership, Reverend Rutledge, new stained glass windows were installed, carpet was replaced and the choir loft was moved to the rear of the pulpit. The church was painted inside and out.

In 1993, Reverend Norman Gamble was called to serve as pastor of New Ebenezer Baptist Church and remains its pastor today. His service has involved great changes at the

church. He has increased the membership, established an Education Fund, and purchased two minivans, video equipment and computers. Part of his legacy includes the videotaping of worship services and outreach ministries to help the church reach the broader community. This church has served as a source of spiritual strength and service to others throughout its long history. It is a fixture in the Florence community and has been an integral part of countless lives over the years.

Madam Speaker, I commend Reverend Gamble and the congregation of New Ebenezer Baptist Church for their tremendous contributions to the faith community, and invite you and my colleagues to join me in congratulating New Ebenezer Baptist Church of Florence, South Carolina on its 100th anniversary.

HONORING MR. MERLON E. WIGGIN, PH.D., M.E.

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize Dr. Merlon Wiggin, an accomplished and exemplary resident of the first district of New York.

Dr. Merlon Wiggin is a proud Long Island native and the founder of East End Lighthouses, Inc. a chapter of the American Lighthouse Foundation. The organization's mission is to encourage the historic preservation and restoration of lighthouses, lightship, and lifesaving station artifacts throughout America. The East End branch, in particular, works to preserve and restore the offshore lighthouses of Southold Town.

Dr. Wiggin is an authority on boating and maritime safety. A graduate of the University of Maine, with a Ph.D. in Mechanical Engineering, Merlon's expertise and passion for the sea is what led him to initiate the conversion of the former Greenport Railroad Station into a maritime museum. He has authored numerous historical articles and booklets on local lighthouses and is on the writing staff of Long Island Boating World and Peconic Bay Shopper magazines.

Among a long list of accomplishments, Dr. Wiggin has served as Director of engineering at Presque Isle Air Force Base and chief of engineering at Plum Island Animal Disease Research Center. He also worked with NASA on its "Moon Lab" during the Apollo space missions. Dr. Wiggin is currently the president of "Peconic Associates", a local maritime consulting firm, and "Isocon Ltd", an internationally recognized research laboratory and biological containment consulting firm.

In his free time, Merlon is an avid sailor and is known to race his 30 foot sloop, "Albion" on local waters. He and his wife Isabelle reside in East Marion, NY. On behalf of a grateful community, I thank Dr. Merlon Wiggin for his many enduring contributions to Long Island, New York, and this great Nation. I wish him and his family the absolute best for the years to come.

TRIBUTE TO MARC HUBER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Marc Huber of Kansas City, Missouri. Marc is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 180, and earning the most prestigious award of Eagle Scout.

Marc has been very active with his troop, participating in many scout activities. Over the many years Marc has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Marc Huber for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 24, 2007, I was unavoidably detained for rollcall votes No. 998, a motion ordering the previous question on the Rule providing for consideration of H.R. 505, and 999, providing for consideration of the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

If present, I would have voted "aye" on both measures.

HONORING MARY McLOUGHLIN

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. ENGEL. Madam Speaker, a community is an aggregate of its residents, but its quality of life is determined by the dedication of those who devote themselves to the welfare of their community.

Mary McLoughlin is such a person, and her dedication is the occasion for special recognition by the Kingsbridge Heights Community Center at a dinner honoring her tonight.

She is a co-founder of that organization and is almost single-handedly responsible for acquiring a community center. In 1972 she heard that the police precinct was leaving its building and she began a campaign to get the building for use by the community.

Almost three years later, KHCC acquired the building and she, with Patricia Burns and Janet Athanasidy, cleaned the floors; and took out the debris as part of the extensive renovation needed.

She envisioned a Center modeled after the great early New York settlement houses, providing educational, recreational and cultural activities for all community residents.

In 1975 the Kingsbridge Heights Community Center opened its doors with a Teen Program as well as a Head Start Program. Mary McLoughlin's continuing dedication is evident as today the center provides a multitude of programs to individuals of all ages including: early childhood educational, health and nutrition services, after school recreation and literacy, College Prep and financial aid, services to individuals with developmental disabilities, and civics classes, child sexual abuse treatment and prevention, parent and child advocacy, and case management services to prevent foster care placement, to cite a few.

She is a mother of eight, but has spread her caring over the community, improving the lives of thousands. The KHCC as the largest employer in the community continues to address the needs of the changing community.

She has been, and remains, a God-send to the Kingsbridge community. I sincerely thank her for all that she has done and continues to do for the people of this community. She is an inspiration to all.

CONGRATULATING THE TEXAS BRAHMAS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Texas Brahmas Hockey team on their first season in the city of North Richland Hills. The Texas Brahmas are returning to the ice this year to start their tenth season at the NYTEX Sports Centre in North Richland Hills on Saturday, October 27, 2007 against their Northeast Rival, the Bossier-Shreveport Mudbugs.

The NYTEX Sports Centre has been revamped and reopened in great anticipation for the upcoming hockey season. The new home to the Texas Brahmas sits in the beautiful city of North Richland Hills, Texas. Under the head coach Dan Wildfong, the Brahmas look to continue their winning tradition this season.

I offer my congratulations to Mayor Oscar Trevino, the North Richland Hills City Council, and their Economic Development Department for bringing yet another economic victory to their fine city. The atmosphere that accompanies the Brahmas will further show that North Richland Hills is the City of Choice to Live, Work and Play.

I am very proud to represent such a victorious team in my District. I wish the Texas Brahmas great luck in their upcoming season in North Richland Hills, and congratulate their winning spirit. Their persistence, teamwork, dedication, and commitment should serve as a source of entertainment through their competitive spirit that is now a part of North Richland Hills and 26th District.

COMMENDING FIRST RESPONDERS BATTLING WILDFIRES IN SOUTHERN CALIFORNIA

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. DENT. Madam Speaker, I rise to commend the courageous efforts of numerous first responders currently battling wildfires in Southern California. Today, these dangerous fires stretch over more than 400,000 acres and have forced the evacuation of hundreds of thousands of local residents from their homes.

As we've seen on national television, the tragedy unfolding in Southern California is of epic proportions; yet the many first responders charged with saving life and limb have performed magnificently since the initial flames. Taking on these blazes from all angles, firefighters are ensuring the safety of Californians while fighting to protect their property and homes. The courage of these first responders is truly exemplary.

As Ranking Member of the Homeland Security Committee's Emergency Communications, Preparedness and Response Subcommittee, I am pleased to see that these brave firefighters, police officers, and paramedics are being aided in their efforts by FEMA, the National Guard, and other elements of the Department of Defense.

Exacerbated by drought conditions and the fierce Santa Ana winds, these fires are some of the most menacing in American history. Like every American, I am thankful for the selfless efforts of all first responders, who perform so bravely in harrowing circumstances, especially those currently battling the wildfires in Southern California.

STATEMENT REGARDING THE VISIT OF MR. ALEXIS GALANOS, MAYOR OF FAMAGUSTA, CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. MALONEY of New York. Madam Speaker, as a co-chair and co-founder of the Congressional Caucus on Hellenic Issues, I want to welcome Mr. Alexis Galanos, mayor of Famagusta, Cyprus, to Washington, DC. Mr. Galanos has an important message to share with those of us in Congress about how his city became a ''ghost town'' when Cyprus was invaded in 1974 by Turkey. Famagusta is a symbol of a divided Cyprus and a crystallization of the situation there since the invasion.

Famagusta was a thriving port city in Cyprus until 1974. Its industrial sector supplied vital jobs to the nearby population, and it was an important tourist destination. In 1973, 88.9 percent of all imports and 73.6 percent of all exports went through Famagusta.

Tragically, a few short weeks after Turkey invaded Cyprus, Famagusta was bombed relentlessly by Turkish troops. Greek Cypriots fled in terror, and the city was sealed off with barbed wire fences by Turkish forces. Ultimately, 45,000 citizens of Famagusta became refugees in their own country, losing their land, businesses, homes, and neighbors.

As a result of the Turkish invasion and occupation, 160,000 Greek Cypriots, amounting to 70 percent of the population of the occupied area and over a quarter of the total population, were forcibly expelled from their homes and approximately 5,000 Cypriots were killed. More than 1,400 Greek Cypriots, including four Americans of Cypriot descent, remain missing and unaccounted for since the Turkish invasion. Sadly, since the invasion, churches, monasteries, and cultural artifacts have been destroyed, looted, vandalized, and illegally excavated. Many of these priceless items have been sold on the black market. Today, thirty-three years later, Turkey continues forcibly to occupy more than one-third of Cyprus with more than 43,000 Turkish troops. It is time for Turkey to remove its troops from the island so that Cyprus can move forward as one nation.

Just this month, we passed legislation introduced by my fellow co-chair, Representative GUS BILIRAKIS, which expresses the strong support of the House of Representatives for the implementation of the July 8, 2006, UN-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus. I believe that passage of this resolution will be a positive influence in moving this process forward in preparation for new comprehensive negotiations leading to the unification of Cyprus within a bi-zonal, bi-communal federation. Additionally, I have introduced H. Res. 407, which expresses the strong support of the House of Representatives for the positive actions by the Republic of Cyprus aimed at opening additional crossing points along the cease-fire line, thereby contributing to efforts for the reunification of the island.

The people of Cyprus, and Famagusta, deserve a unified and democratic country, and I remain hopeful that a peaceful settlement will be found so that the division of Cyprus will come to an end.

Once again, I want to acknowledge Mayor Galanos for being a tireless advocate on behalf of the exiled citizens of Famagusta

RECOGNIZING THE ACCOMPLISHMENTS OF ALVIN W. SMUZYNSKI

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today on behalf of myself and Representative TOM DAVIS, my distinguished colleague from Virginia, to recognize the accomplishments of Alvin W. Smuzynski Jr., upon his retirement as President and Chief Executive Officer of Wesley Housing Development Corporation of Northern Virginia.

Dedicated to increasing affordable housing in Northern Virginia, Mr. Smuzynski served as Commissioner on the Fairfax County Redevelopment and Housing Authority, and as a Board member, Board Chairman, and President and CEO of Wesley Housing. Having spent nearly three decades expanding affordable housing, making rental properties available to low and moderate-income families in the metropolitan area was always at the top of Mr. Smuzynski's agenda.

Mr. Smuzynski led Wesley Housing admirably; he was a pioneer dedicated to ensuring that entire communities throughout Northern Virginia would have the opportunity to acquire decent, affordable housing. During his tenure as President and CEO, more than half of the organization's 1,267 units were built or acquired. Under his leadership, Wesley Housing achieved the Housing Association of Nonprofit Developers' (HAND) 2006 Developer of the Year Award and Leadership Fairfax's Regional Leadership Award.

In 1999, under the direction of Mr. Smuzynski, the Wesley Agape House was completed. This 12-unit apartment house for individuals and children living with HIV/AIDS was the first project of this type in Northern Virginia. His advocacy efforts were essential to establishing a non-competitive tax credit pool for preservation projects in Northern Virginia. In 2005, his work with the Washington Metro Bankers' Northern Virginia Affordable Housing Alliance resulted in the establishment of Fairfax County's innovative ''Penny for Housing Fund.'' The trust fund supports preservation and development of affordable housing.

Always looking to lead the way, Mr. Smuzynski forged ahead on innovative projects. He built Northern Virginia's only barrier-free apartment community for low-income, severely physically disabled individuals—the 22-unit Coppermine Place I in Herndon. This award winning apartment community was selected as HAND's 2007 Best Project in Northern Virginia and the Accessible Design Award by the Coalition for Housing Opportunities In the Community for Everyone, Inc. (CHOICE) award.

Truly, Mr. Smuzynski's career has left behind a legacy of perseverance, innovation and numerous successes. He has earned the reputation over the years of being the leader in providing affordable housing, and will long be remembered for his dedication and commitment to Virginians. I wish all the best to him and his family in his retirement.

TRIBUTE TO THE MARIN CONSERVATION CORPS ON ITS 25TH ANNIVERSARY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to salute the Marin Conservation Corps on its 25th anniversary of helping young people to a brighter future by providing jobs and learning opportunities, at the same time protecting and conserving our natural resources.

Marin Conservation Corps began more than 25 years ago when founder Richard Hammond was out jogging along one of the many gorgeous trails of the Marin Headlands. The father of teenage sons at the time, he had been seeking something productive to keep them occupied during summer vacation and came up with the idea to combine trail maintenance with young people's need for work. But it wasn't until devastating floods hit Marin in 1982 that the corps took shape.

The first local conservation corps in the country, MCC literally blazed the trail for others to follow. Workers have put in more than three million hours to maintain and conserve Marin County's 150,000 acres of public land. In association with AmeriCorps, MCC has

partnered with the National Park Service to create a one-on-one mentoring program. MCC also provides young people with summer jobs through a combination of outdoor education, community service and recreational activities through its Project ReGeneration.

Under the leadership of Marilee Eckert since 1992, the nonprofit has grown to provide year-round employment to 116 people, operating under a budget of more than $5 million and helping more than 3,000 young men and women gain job skills along with an education. Marilee also holds leadership roles in many local and national organizations. Her efforts have earned her recognition and awards from the county and the Sierra Club, as well as the gratitude of the many corps members who have benefited from her hard work.

Many of those who have benefited come from under-served populations. One such corpsman is Matthew Rainey, a 21-year-old convicted felon. ''I didn't have an opportunity to work anywhere else,'' he says. ''Honestly, I was living in my car, didn't have anything going for myself, but every single day, I would come to work.''

Because of MCC, Rainey has earned his GED, saved enough to rent an apartment, and is considering following the trade he learned through his work at MCC.

''He has so totally blossomed,'' notes Deborah Schoenbaum, MCC's deputy director. ''He has won just about every award you can get in the corps. It's been a life-changing experience for him.''

Working at MCC has been a life-changing experience for many others, as well. An average of 300 young people go through the various MCC programs each year. In fact, some of MCC's sponsors and greatest supporters were previously in the corps program.

Corpsmembers not only arrive at work at 7 a.m. for a full day of work each day, but must put in 10 hours of education each week, as well. Marvin was one such young man willing to work this hard for a better future. Marvin came to the corps speaking absolutely no English, Schoenbaum remembers. ''He now speaks English and has gotten a job with a top landscaping firm because he went through a landscaping program we have with College of Marin.''

Such success stories, Madam Speaker, is why the Marin Conservation Corps deserves to be congratulated for its past 25 years of service. May it have an equally successful future.

THE NATIONAL RENEWABLE ENERGY LABORATORY AND THE DEPARTMENT OF ENERGY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. PERLMUTTER. Madam Speaker, I rise today to congratulate the National Renewable Energy Laboratory (NREL) and the Department of Energy (DOE) on the groundbreaking of their Research Support Facility (RSF) on October 30, 2007.

The Research Support Facility will be an important building for the DOE and NREL. The building will house several hundred DOE and NREL staff in over 200,000 usable square feet without sacrificing high priority special spaces. The building will include shared spaces to assist in optimizing human performance, enhancing creativity and recruiting the workforce of tomorrow.

The RSF is designed to meet the Leadership in Energy and Environmental Design (LEED) ''Platinum'' rating as defined by the U.S. Green Building Council. The building will be a shining example of sustainable high-performance design. It will demonstrate the integration of high performance design features and practices, showcase technology advances, and capture the public's imagination for renewable and energy efficient technologies.

Investing in and expanding the National Renewable Energy Laboratory is good for national security, good for the climate and good for jobs.

I am honored to have the National Renewable Energy Laboratory and the future Research Support Facility in the 7th Congressional District.

CELEBRATING OXI DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to join the Hellenic-Americans and Philhellenes in my district and throughout the country in celebrating ''OXI Day (No Day),'' which falls on the 28th of October. This year marks the 67th anniversary of a very important day in Hellenic history, the day on which brave Greek patriots said ''No'' to fascism, ''No'' to injustice, and ''No'' to slavery. For those individuals who lived through that momentous period and their descendants, many of whom live in the 14th Congressional District of New York, ''OXI Day'' is more than a memory: it is the embodiment of Hellenism and its highest ideals.

At dawn on October 28, 1940, General Ionnas Metaxas was confronted with an ultimatum. An Italian ambassador delivered a message directly from General Mussolini demanding that Greece allow Axis forces to enter Greek territory and occupy certain unspecified ''strategic locations'' or face war. General Metaxas simply replied ''No!'' and committed the brave people of Greece to resistance against Axis oppression. With level-headed determination and steadfast resolve, the citizenry of Greece mobilized. Men went calmly to their closets and retrieved their military uniforms and weapons. Women went about their necessary tasks, and the children assisted as they were able.

On OXI Day, the people of Greece chose the harder path, the path of resistance. That brave generation of Hellenes refused to submit to oppression even at the cost of their homes, their land, and their lives. Theirs was an act of self-sacrifice that clearly proclaimed the humanitarian ideals of their Orthodox Christian faith and their ethnic heritage. The Greeks' brave defense of their land was a crucial turning point in the Axis eastern advances. Dogged resistance by Greek patriots weakened Axis morale and derailed the Nazi war effort by delaying the eventual attack on Soviet Union. The Greeks' sacrifice will forever be remembered and honored by the free nations of the world.

Madam Speaker, I ask my colleagues to join me in saluting the heroes of OXI Day. In their brave words and deeds we see all of the highest virtues of Hellenic heritage: passion for justice, courage at a time of trial, unity in the midst of conflict, and willingness to sacrifice one's life for the good of others. On this day, we thank Greece for saying ''OXI.''

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. ROSS. Madam Speaker, on Wednesday, October 24, 2007, I was not present for rollcall vote 996, final passage of H.R. 1483, the Celebrating America's Heritage Act. Had I been present for rollcall 996, I would have voted ''aye.''

REMARKS ON H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. HOLT. Madam Speaker, yesterday I voted in favor of H.R. 1483, the Celebrating America's Heritage Act.

I am pleased to support this legislation which creates six new national heritage areas and reauthorizes nine additional heritage areas, including one in my home State of New Jersey.

Since 1988, the New Jersey Coastal Heritage Trail, stretching roughly 300 miles from Perth Amboy to Cape May and west along the Delaware Bay to Deepwater, has been successful in encouraging New Jersey residents and visitors alike to explore the State's coastal resources and culture.

For nearly 20 years, the New Jersey Coastal Heritage Trail has played a key role in preventing overdevelopment of the Nation's most densely populated State. The trail has helped preserve a wide variety of natural resources and historical landmarks including bird sanctuaries, wildlife refuges and lighthouses. It has helped boost tourism and economic activity and has provided countless visitors with enjoyable and interesting opportunities for recreation.

Whether visiting the Nation's oldest operating lighthouse at Sandy Hook, canoeing on a fresh water creek in Double Trouble State Park, shopping at the 200-year-old fishing village of Belford, or taking in the view from Mount Mitchill, the highest point on the eastern seaboard, the New Jersey Coastal Heritage Trail offers something for everyone to enjoy.

National Heritage Areas provide great opportunities for Americans to experience the history and culture of a particular State or region. My Central New Jersey district is home to the Crossroads of the American Revolution National Heritage Area. This heritage area protects and promotes more than 250 historic

sites. On October 12, 2006, I was proud to see the Crossroads National Heritage Area signed into law by the President. I hope that with the passage of this bill and eventual signature of the President, many of my colleagues will get to experience similar pride with the creation of national heritage areas in their districts for the benefit of their constituents.

Many of these National Heritage Areas do not receive money from the Federal Government alone. The New Jersey Coastal Heritage Trail, for example, receives only a third of its funding from the Federal Government. Our investments in National Heritage Areas are often matched by State and local governments as well as the private sector.

Madam Speaker, H.R. 1483 will enable millions of Americans to visit and treasure heritage areas in their home State and across the Nation. I urge my colleagues to join me in supporting this important piece of legislation.

THE WITHDRAWAL OF MY CO-SPONSORSHIP OF H.R. 106, THE ARMENIAN GENOCIDE RESOLUTION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Ms. KILPATRICK. Madam Speaker, I am opposed to genocide whenever and wherever it has occurred in history and I believe that we should never forget any atrocity that occurs anywhere, at any time. While I believe that the incidents that took place in Armenia were wrong and merit acknowledgement, I have decided to withdraw my sponsorship of H.R. 106, the Armenian Genocide Resolution.

Turkey is a strategic partner and one of our few friends in the Middle East. It allows us to use its air force base at Incirlik for operations in Iraq and Afghanistan. Turkey's leaders have said if this resolution passes, they will withdraw our military access to this base. Because the President has distanced or destroyed our relationships with many countries as a result of the war in Iraq, we should maintain and strengthen our rapport with the few allies we have, particularly in the Middle East.

However, there is a more important and fundamental reason that I have withdrawn my support. I can no longer support any resolution that condemns another country for its actions, while we here in the United States will not address and have not come to terms with the miscarriages of justice, the lack of equality, and the human rights violations that take place against our own citizens.

Our poor, our women, our less educated, our people of color, and others who are disadvantaged and disenfranchised across our great country—lauded as the ''land of opportunity''—suffer daily from injustice and inequality. They lack access to affordable health care, quality education, well-paying jobs, capital, and other items necessary to give them and their families a chance at achieving the American Dream. Most recently, the President chose to veto a bill that would provide access to health care to 10 million children of working class parents. This is simply inexcusable.

In the Bible, John 8:7 reads ''let him who is without sin cast the first stone.'' Here, in the United States, we are often quick to point out the faults and flaws of other countries, their leaders, and their citizens. However, before we criticize, chastise, and condemn them, we must first challenge our own imperfections, consider our own inadequacies, confront our own issues, and change our own behavior.

There are human rights violations taking place all across the world, from Sudan and Syria, to Bangladesh and Burma, to Nicaragua and Colombia. Simultaneously, there are unresolved human rights challenges here in America that we have not begun to tackle.

I was always taught to take care of home first. I believe that America can and should be a force for change. As a world leader, we not only have the power, but we also have the responsibility, to make a positive difference in the lives of others—here at home and in countries around the world. However, before we point the finger at anyone else, we must take a deeper, closer look at the problems that plague our cities, our communities, and our country and work to change the lives of our citizens for the better.

This resolution, at this time, could undermine the efforts of the United States to prevent the Turkish military from launching an attack inside Iraq; it could create a logistical nightmare for our military women and men in Iraq and Afghanistan. If we have strained relations with Turkey, the largest Muslim ally we have in the Middle East, further damage to the standing of the United States in the Islamic world would be the immediate result.

This is the right bill, but this is the wrong time. America must be what we want to see for the world.

IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE FOUNDING OF COOSA COUNTY, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the citizens of Coosa County, Alabama, who on this Saturday, October 27, will celebrate their county's 175th anniversary.

On December 18, 1832, the Alabama Legislature established Coosa County from lands acquired under the Creek Indian Treaty of Cusseta. The October 24th celebration will take palace in the county seat of Rockford, and will feature organizations from around the county. In addition to a live band and county history lecture, each of the county's cities and towns will present a welcome address.

I am pleased to recognize the citizens of Coosa County today for reaching this important milestone in the history of their county, and in the history of our great State.

RECOGNIZING FAMAGUSTA, CYPRUS AS A GHOST CITY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 25, 2007

Mr. SPACE. Madam Speaker, yesterday, I met with Mr. Alexis Galanos, Mayor of Famagusta, Cyprus to discuss the current situation he and his constituents face every day.

In 1974, Turkey invaded Cyprus, running residents of Famagusta out of their town and their homes in fear. Since then, Famagustians have been unable to return to their city in the occupied area, and the city itself remains a ghost town.

Prior to the invasion, Famagusta was a bustling tourist destination and an economic dynamo. The hotel and construction industries were booming, the harbor had been widened to further contribute to its economic activity, and the rich and fertile mainland easily supported production of the potato crop.

This all changed with the invasion of Turkish soldiers. Turkish troops drove the people of Famagusta out of their town and sealed it off with barbed wire. This is how the situation remains today, 33 years later. 45,000 residents of Famagusta have become refugees in their own country; they lost their land, their homes, their property, their businesses, their livelihoods, and for some, their lives. Since the Turkish invasion, churches, cathedrals, monasteries, and the cultural heritage have been subject to looting, vandalism, destruction, and theft.

In 2003, partial lifting of movement restrictions by the occupying regime allowed some displaced Greek Cypriots to visit their old homes, but they are still denied the right to return to where they were born and raised. Property that was once in the hands of Greek Cypriots has been unlawfully distributed to illegal settlers from Turkey, and unprecedented illegal construction is taking place on land that technically belongs to Greek Cypriots.

The former residents of Famagusta worked very hard to make a living. Families spent decades paving the way for the well-being of future generations, but they were forced to start over from square one.

The people of Famagusta, like other Greek Cypriot refugees, have a burning desire, and a right, to return to their homes. I am pleased that Mayor Galanos was able to visit Washington to share the story of Famagusta, Europe's Ghost Town.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S13391–S13464

Measures Introduced: Seventeen bills and one resolution were introduced, as follows: S. 2229–2245, and S. Res. 356. **Pages S13437–38**

Measures Reported:

S. 2242, to amend the Trade Act of 1974 to establish supplemental agricultural disaster assistance and to amend the Internal Revenue Code of 1986 to provide tax incentives for conservation and alternative energy sources and to provide tax relief for farmers. (S. Rept. No. 110–206)

S. Res. 346, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, with an amendment and with an amended preamble.

S. Res. 347, designating May 2008 as ''National Be Bear Aware and Wildlife Stewardship Month''. **Page S13437**

Measures Passed:

Internet Tax Freedom Act Amendments Act: Senate passed H.R. 3678, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce, after agreeing to the following amendment proposed thereto: **Pages S13429–30**

Reid (for Sununu) Amendment No. 3466, to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce. **Pages S13429–30**

Measures Considered:

Passenger Rail Investment and Improvement Act: Senate continued consideration of S. 294, to reauthorize Amtrak, agreeing to the committee amendments, which will be considered as original text for purpose of further amendment, and taking action on the following amendments proposed thereto: **Pages S13405–29, S13430**

Adopted:

Lautenberg (for Murray) Modified Amendment No. 3457, to require the development of a strategic plan to facilitate expanded cross-border passenger rail service on the Amtrak Cascades route during the 2010 Olympic Games. **Page S13427**

Lautenberg (for Murray) Modified Amendment No. 3459, to require a report by the Inspector General of the Department of Transportation on service delays on the Coast Starlight and Amtrak Cascades routes. **Page S13427**

Lott (for DeMint) Amendment No. 3460, to ensure that capital investment grants authorized under section 24402 of title 49, United States Code, may be used for passenger rail infrastructure. **Page S13427**

Lott (for DeMint) Amendment No. 3461, to direct the Government Accountability Office to conduct a study that compares passenger rail systems in certain developed countries. **Page S13427**

Rejected:

By 28 yeas to 66 nays (Vote No. 395), Sununu Amendment No. 3453, to prohibit Federal subsidies in excess of specified amounts on any Amtrak train route. **Pages S13405–12**

By 27 yeas to 64 nays (Vote No. 396), Sununu Modified Amendment No. 3456, to remove the limitation on the number of Amtrak routes available for competitive bid. **Pages S13412–13, S13417, S13426**

Withdrawn:

Sununu Amendment No. 3452, to amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce. **Pages S13405, S13417–19, S13430**

Pending:

Lautenberg (for Carper) Amendment No. 3454 (to Amendment No. 3452), of a perfecting nature. **Pages S13405, S13412**

Allard Amendment No. 3455, to strike the provisions repealing Amtrak's self-sufficiency requirements. **Pages S13413–15**

During consideration of this measure, Senate also took the following action:

Motion to invoke cloture on Sununu Amendment No. 3452 (listed above), was withdrawn. **Page S13430**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Friday, October 26, 2007. **Page S13464**

Messages from the House: **Page S13437**

Measures Referred: **Page S13437**

Measures Placed on the Calendar: **Page S13437**

Measures Read the First Time: **Page S13437**

Additional Cosponsors: **Pages S13438–39**

Statements on Introduced Bills/Resolutions: Pages S13439–59

Additional Statements: Pages S13435–36

Amendments Submitted: Pages S13459–63

Notices of Hearings/Meetings: Page S13463

Authorities for Committees to Meet: Page S13464

Privileges of the Floor: Page S13464

Record Votes: Two record votes were taken today. (Total—396) Pages S13412, S13426

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:45 p.m., until 9:30 a.m. on Friday, October 26, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13464.)

Committee Meetings

(Committees not listed did not meet)

FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported the 2007 Farm Bill.

TOY INDUSTRY SWEATSHOPS

Committee on Commerce, Science, and Transportation: Subcommittee on Interstate Commerce, Trade, and Tourism concluded a hearing to examine sweatshop conditions in the toy industry in China, including S. 367, to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, after receiving testimony from Senator Sanders; Charles Kernaghan, National Labor Committee, and Peter Eio, ICTI CARE Foundation, both of New York, New York; and Harry Wu, Laogai Research Foundation, and Bama Athreya, International Labor Rights Forum, both of Washington, D.C.

FEDERAL DRUNK DRIVING PREVENTION PROGRAMS

Committee on Environment and Public Works: Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality concluded an oversight hearing to examine the effectiveness of federal drunk driving prevention programs, after receiving testimony from Vice Admiral Thomas J. Barrett, USCG (Ret.), Deputy Secretary, Mark V. Rosenker, Chairman, National Transportation Safety Board, and Calvin L. Scovel III, Inspector General, all of the Department of Transportation; John Wheeler, New Mexico Department of Public Safety, Santa Fe; Judge Michael R. Fields, Harris County Criminal Court of Law #14, Houston, Texas; and Glynn R. Birch, Mothers Against Drunk Driving, Irving, Texas.

SMALL BUSINESS AND HEALTH INSURANCE

Committee on Finance: Committee concluded a hearing to examine small business health insurance, focusing on ways to increase coverage, after receiving testimony from Joel Ario, Pennsylvania Insurance Department, Harrisburg, on behalf of the National Association of Insurance Commissioners; Alden J. Bianchi, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., Boston, Massachusetts; Linda J. Blumberg, Urban Institute, Washington, D.C.; and Monty Newman, National Association of Realtors (NAR), Hobbs, New Mexico.

SINGLE AUDITS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine implementation of the Single Audit Act (Public Law 98–502), focusing on a recent study on the potential impacts that implementing certain recommendations could have to help ensure that federal funds are safeguarded, after receiving testimony from Daniel I. Werfel, Acting Controller, Office of Federal Financial Management, Office of Management and Budget; Jeanette M. Franzel, Director, Financial Management and Assurance, Government Accountability Office; Hugh M. Monaghan, Director, National Single Audit Sampling Project, and Director, Non-Federal Audit, Office of the Inspector General, Department of Education; and Mary M. Foelster, American Institute of Certified Public Accountants (AICPA), Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following:

S. Res. 347, designating May 2008 as "National Be Bear Aware and Wildlife Stewardship Month"; and

S. Res. 346, expressing heartfelt sympathy for the victims of the devastating thunderstorms that caused severe flooding during August 2007 in the States of Illinois, Iowa, Minnesota, Ohio, and Wisconsin, with an amendment.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 17 public bills, H.R. 3964–3980; and 4 resolutions, H. Con. Res. 241–242; and H. Res. 775–776, were introduced. **Pages H12102–03**

Additional Cosponsors: **Pages H12103–04**

Reports Filed: Reports were filed today as follows:

H.R. 1236, to make permanent the authority of the United States Postal Service to issue a special postage stamp to support breast cancer research, with amendments (H. Rept. 110–409, Pt. 1) and

H.R. 3796, to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, with an amendment (H. Rept. 110–410). **Page H12102**

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker pro tempore for today. **Page H12023**

Motion to Adjourn: Rejected the Blackburn motion to adjourn by a yea-and-nay vote of 158 yeas to 220 nays, Roll No. 1001. **Pages H12024–25**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a recorded vote of 170 ayes to 222 noes, Roll No. 1002. **Pages H12026–27**

Question of Consideration: The House agreed to consider H. Res. 774, providing for consideration of the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, by a yea-and-nay vote of 216 yeas to 181 nays, Roll No. 1003. The House further agreed to the Slaughter motion to table the motion to reconsider the vote, by a recorded vote of 218 ayes to 183 noes, Roll No. 1004. **Pages H12027–30**

Motion to Adjourn: Rejected the Campbell (CA) motion to adjourn by a recorded vote of 165 ayes to 224 noes, Roll No. 1005. **Pages H12030–31**

Amending title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program: The House passed H.R. 3963, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, by a yea-and-nay vote of 265 yeas to 142 nays, Roll No. 1009. **Pages H12042–90**

Rejected the Barton (TX) motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 164 yeas to 242 nays, Roll No. 1008. **Pages H12087–90**

H. Res. 774, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 215 yeas to 187 nays, Roll No. 1007, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 188 nays, Roll No. 1006. **Pages H12031–42**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, October 29th for morning hour debate. **Page H12092**

Calendar Wednesday: Agreed by unanimous consent to dispense with the Calendar Wednesday business of Wednesday, October 31st. **Page H12092**

Quorum Calls—Votes: Six yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H12024–25, H12026–27, H12029, H12029–30, H12030–31, H12041, H12041–42, H12089–90, and H12090. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:39 p.m.

Committee Meetings

AGRICULTURE DISASTER CONDITIONS

Committee on Agriculture: Held a hearing to review agriculture disaster conditions across the nation. Testimony was heard from Representative Simpson; Brad Rippey, Staff Meteorlogist, Office of Chief Economist, USDA; Mike Easley, Governor of North Carolina; Ken Givens, Commissioner, Department of Agriculture, State of Tennessee; and public witnesses.

SURFACE TRANSPORTATION

Committee on the Budget: Held a hearing on Surface Transportation: Investment Needs and the Budget. Testimony was heard from Mary E. Peters, Secretary of Transportation; Robert A. Sunshine, CBO; and public witnesses.

FAIR HOME HEALTH CARE ACT

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on H.R. 3582, Fair Home Health Care Act. Testimony was heard from public witnesses.

TRANSPARENCY OF EXTRACTIVE INDUSTRIES

Committee on Financial Services: Held a hearing entitled "Transparency of Extractive Industries: High Stakes for Resource-Rich Countries, Citizens and International Business." Testimony was heard from public witnesses.

NORTH KOREA SIX PARTY PROCESS

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment, and the Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on The Six Party Process: Progress and Perils in North Korea's Denuclearization. Testimony was heard from Christopher R. Hill, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

U.S. SECURITY ASSISTANCE TO MEXICO

Committee on Foreign Affairs: Subcommittee on the Western Hemisphere held a hearing on U.S. Security Assistance to Mexico. Testimony was heard from Jess T. Ford, Director, International Affairs and Trade Team, GAO; James R. Jones, former U.S. Ambassador to Mexico and former Representative from Oklahoma; and public witnesses.

ARBITRATION FAIRNESS ACT OF 2007

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on H.R. 3010, Arbitration Fairness Act of 2007. Testimony was heard from public witnesses.

ORGANIZED RETAIL THEFT PREVENTION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on Organized Retail Theft Prevention: Fostering a Comprehensive Public-Private Response. Testimony was heard from public witnesses.

IRAQ

Committee on Oversight and Government Reform: Held a hearing on Iraq. Testimony was heard from Condoleezza Rice, Secretary of State.

HEALTH INSURER CONSOLIDATIONS

Committee on Small Business: Held a hearing on Health Insurer Consolidation, The Impact on Small Business. Testimony was heard from public witnesses.

SAFETY OF AMERICA'S RAILROADS

Committee on Transportation and Infrastructure: Held a hearing on The Impact of Railroad Injury, Accident, and Discipline Policies on the Safety of America's Railroads. Testimony was heard from Joseph H. Boardman, Administrator, Federal Railroad Administration, Department of Transportation; and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 513, amended, National Heroes Credit Protection Act; and H.R. 3882, To amend title 38, United States Code, to change the length of the obligated period of service on active duty required for receiving certain education benefits administered by the Secretary of Veterans Affairs.

The Subcommittee also held an oversight hearing on VETS DVOP/LVER Program. Testimony was heard from Charles Ciccolella, Assistant Secretary, Veterans' Employment and Training, Department of Labor; and public witnesses.

BRIEFINGS—MIDDLE EAST EVENTS; SIZE OF DNI

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Recent Middle East Events. Testimony was heard from departmental witnesses.

The Committee also met in executive session to receive a briefing on the Size of DNI. Testimony was heard from departmental witnesses.

VOTING IN THE HOUSE—RULES, PROCEDURES, PRECEDENTS, CUSTOM AND PRACTICE

Select Committee to Investigate the Voting Irregularities of August 2, 2007: Held a hearing on Voting in the House of Representatives—Rules, Procedures, Precedents, Custom and Practice. Testimony was heard from Charlie Johnson, former Parliamentarian of the House of Representatives; and Mark O'Sullivan, Chief Tally Clerk of the House of Representatives.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1366)*

H.R. 1124, to extend the District of Columbia College Access Act of 1999. Signed on October 24, 2007. (Public Law 110–97)

H.R. 2467, to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building". Signed on October 24, 2007. (Public Law 110–98)

H.R. 2587, to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office". Signed on October 24, 2007. (Public Law 110–99)

H.R. 2654, to designate the facility of the United States Postal Service located at 202 South Dumont

Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''. Signed on October 24, 2007. (Public Law 110–100)

H.R. 2765, to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the ''Master Sergeant Sean Michael Thomas Post Office''. Signed on October 24, 2007. (Public Law 110–101)

H.R. 2778, to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''. Signed on October 24, 2007. (Public Law 110–102)

H.R. 2825, to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''. Signed on October 24, 2007. (Public Law 110–103)

H.R. 3052, to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building''. Signed on October 24, 2007. (Public Law 110–104)

H.R. 3106, to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the ''Staff Sergeant David L. Nord Post Office''. Signed on October 24, 2007. (Public Law 110–105)

H.R. 995, to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States. Signed on October 25, 2007. (Public Law 110–106)

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 26, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, October 26

Senate Chamber

Program for Friday: Senate will continue consideration of S. 294, Passenger Rail Investment and Improvement Act; following which, at 10 a.m. Senate will be in a period of morning business, with certain Senators being recognized to speak.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 a.m., Monday, October 29

House Chamber

Program for Monday: To be announced.

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