United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, DECEMBER 19, 2007 No. 195

House of Representatives

The House met at 10 a.m.

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

Let the Nation be the land of promise and the citadel of freedom for the world. Let all the people rejoice to find the Lord their God in their midst.

It is not only our children who live with dreams and take delight in this season filled with blessing. Lord, all Your people look to Your visitation which takes away the dark days and fills them with light. Older and wiser, understanding, Your full embrace of our humanity, we seek deeper truth and lasting gifts.

Stir again within us the longing for family life secure in faithfulness. Give us brazen dignity in the work undertaken and achieved. Freed from the discontent of false expectations, bless us with the contentment that the reality of Your love reveals to us.

Let the feast begin when heaven and Earth are united in the song ''A Child is born for us.'' ''The Word becomes flesh.'' Divine presence is found in our midst.

Promises and oaths fulfilled, You prove Yourself our lasting hope, Lord. For You are the Lord our God and have become all in all, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

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

PLEDGE OF ALLEGIANCE

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

Mr. BOOZMAN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2260. An act to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. Con. Res. 61. Concurrent resolution providing for conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

S. Con. Res. 62. Concurrent resolution to correct the enrollment of H.R. 660.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

A GREAT YEAR IN CONGRESS

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

Mr. COHEN. Madam Speaker, today, this Congress will adjourn. I want to thank the people of the Ninth District of Tennessee for giving me the honor to represent them in this Congress.

From the first vote that we, as freshmen, took to break the glass ceiling and elect Speaker PELOSI to whatever the last vote is today, during this year we passed historic legislation on energy, on ethics, and the environment. We've done things on children's health care that hasn't come to fruition, but we've tried, and the same thing in ending the war.

This has been a Congress that has tried to accomplish a lot, has accomplished some, brought change for the American people, and will continue to do so next year.

I have had the honor to stand up in my district for The MED, for LeMoyne-Owen College, for the COPS program, for Blue Cross at the University of Memphis, and for our largest employer, Federal Express.

Madam Speaker, it's been a grand year. I am proud to be a Member of this United States Congress and to represent this great country.

God bless the United States of America.

IN RECOGNITION OF GEORGE HARPER

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

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Mr. WILSON of South Carolina. Madam Speaker, I rise today to wish a fond farewell to a member of the Second District staff, George Harper. George has been a member of our team for almost 2 years, and he has brought a strong level of professionalism and personal integrity to the job. I am happy to report that George will not be traveling far as he joins Congressman JON PORTER's office as a legislative assistant.

A graduate of the University of Nebraska, George first came to Capitol Hill as a summer intern in the office of Senator JIM DEMINT of South Carolina. After serving as a deputy legislative assistant to Senator CHUCK HAGEL of Nebraska, he joined our office, first as a scheduler and then as legislative correspondent.

George's hard work, dedication and pleasant demeanor have made him an invaluable member of our staff as we work hard to address the needs and concerns of the people of the Second Congressional District. Our office will miss George tremendously. And we wish him all the best in all his future endeavors.

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

HONORING THE HEROICS OF HASSAN ASKARI

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

Mr. CROWLEY. Madam Speaker, I rise to applaud the bravery of a young man, Hassan Askari. On December 9 of this year, Hassan Askari risked his own safety and his life to defend a group of strangers who were attacked on a New York City subway.

What started as an exchange of Merry Christmas and Happy Hanukkah between two fellow passengers ignited into a violent exchange of anti-Semitic slurs and violence.

A group of men and women attacked the Jewish passengers, and only one passenger came to their defense, Hassan Askari. Hassan, like the men he was trying to help, was beaten and pummeled by the attackers. But as he said with regard to his actions, ''I believe we are all members of one family, and my religion teaches me always to come to the aid of my fellow man in distress.''

Hassan is a Muslim from Bangladesh. He was taught, as we all should be, that we are humans first, first and foremost. And no matter what our faith or race, we should treat each other with respect.

Hassan's actions on the subway were human nature at its best, and I applaud him for interceding to stop a senseless act of violence and hate. I hope his actions will serve as an example for all of us.

PASS A CLEAN AMT FIX

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

Ms. FOXX. Madam Speaker, how much longer do American taxpayers have to wait for Congress to pass a sensible and fair fix to the alternative minimum tax? This highly punitive tax, originally intended to catch only the worst of tax scofflaws, will hit 23 million middle-class taxpayers next year if Congress doesn't act now. Unfortunately, the majority's delay tactics have already caused a cascade effect that will delay the tax refunds of 50 million Americans. If Congress keeps stalling, things will go from bad to worse.

The Senate already rejected a poorly conceived plan that temporarily patches the AMT, but on the condition of enacting a permanent tax hike. Only in Washington does it make sense to make a temporary 1-year tax patch and counter it with a permanent tax hike.

Let's stop the charade and pass an AMT fix that protects millions of middle-class Americans from a huge tax increase. If Congress delays any longer, those 23 million taxpayers will be saddled with an unexpected and severe $2,000 tax increase.

The Senate sent us a clean AMT bill nearly 2 weeks ago. Before we go home, we need to do the right thing and pass it. American taxpayers deserve no less.

COACH BROYLES

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

Mr. SNYDER. Penn, my 18-month-old little boy, thanks to his mother's teachings, can now do the official signs for touchdown, illegal procedure, blocking the back, and of course his favorite, Who is number one? The Arkansas Razorbacks.

I say thanks to his mother because, while she is now a full-time Methodist minister, I am convinced for several decades of her life the Holy Trinity was the Father, the Son and the Holy ''Coach,'' with the coach, of course, being Frank Broyles of the Arkansas Razorbacks.

Coach Broyles' career is coming to an end at the end of this month as both a great coach and an outstanding athletic director. He has also been very active and may have visited with Members here in the Congress about his work on behalf of Alzheimer's research and the treatment with respect and dignity of Alzheimer's patients.

We wish Coach Broyles well as his career is ending, although it wouldn't surprise me that another college might try to pick him up.

IN HONOR OF JOHN FRANKLIN ''FRANK'' BROYLES, UNIVERSITY OF ARKANSAS

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

Mr. BOOZMAN. Madam Speaker, I proudly rise with my Arkansas colleagues this morning to recognize a man who meant a great deal in my life and a great deal to those who are fans of college football and the University of Arkansas.

I rise to honor the legacy and career of Frank Broyles, the athletic director of the university and former head football coach who will end his 50-year run with the Razorbacks on December 31.

Frank Broyles is an icon in Arkansas and a legend in the world of collegiate athletics. His new mission, among other things, will be to educate Americans on caring for loved ones suffering with Alzheimer's.

The names of those associated with Coach Broyles are impressive: Jerry Jones, Jimmy Johnson, Barry Switzer, Johnny Majors, Joe Gibbs, Raymond Berry, and the list goes on and on, all played or coached for Broyles over his career. He even teamed with the legendary broadcaster Keith Jackson for several years to bring the college games to our homes every weekend.

I will be forever proud to be a Razorback and to have had the opportunity to be one under Coach Broyles. I congratulate him on his career, and sincerely thank him for his service to the great State of Arkansas. And as we say in Arkansas, Wooo, Pig Sooey.

PAYING TRIBUTE TO COACH BROYLES

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

Mr. BERRY. Madam Speaker, first, I would encourage everyone to remember our men and women in uniform and their families and reach out to them.

The Arkansas delegation rises this morning to pay tribute to a man that has made magnificent contributions to the State of Arkansas, to college athletics, to this country. His leadership, working together with the people of Arkansas, has demonstrated the great value of the people working together for the common good.

His contributions are unmatched. He has demonstrated beyond a shadow of a doubt the value of integrity and decency, always take the high road. He has made us all very proud to be Razorbacks, as has just been alluded to from my colleague in northwest Arkansas, but he has also demonstrated to the human race what it means to not only be a Razorback, but to be a man of great class and integrity and always take the high road.

□ 1015

BURMA

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

Mr. PITTS. Madam Speaker, the world has watched over recent months as the brutal dictatorship in Burma has arrested and killed Buddhist monks and democracy activists and as it continues to attack, rape and kill ethnic minorities. The House has just passed an excellent bill imposing further sanctions on Burma, the JADE Act.

Amazingly, in the Senate, leading Democrats don't want the House version of the bill. Instead, they want to allow for cash money to go to the ruling regime for humanitarian purposes. Hello? Aid that goes through the regime does not get to the people of Burma. The rulers simply enrich themselves with any moneys coming into the country.

In addition, certain Senators wish to give the Treasury Department an opening one could drive a Mack truck through so that Treasury could make any regulation it likes regarding U.S. money going into Burma. I hope those Senators will read the reports and look at the photos from Burma. The democracy activists, monks and ethnic minorities are the ones who should get our support, not the brutal military regime.

RECOGNIZING ATHLETIC DIRECTOR AND FORMER COACH FRANK BROYLES ON HIS RETIREMENT FROM THE UNIVERSITY OF ARKANSAS

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

Mr. ROSS. Madam Speaker, as he prepares for retirement at the end of this year, it is impossible to think about Razorback athletics and imagine what it would be like without Coach Frank Broyles. His achievements on the field are numerous and distinctive. However, it is his battle off the field that inspires me even more. In 1999, Coach Broyles' wife was diagnosed with Alzheimer's disease and, needless to say, this battle changed his family forever. Studying defenses on the football field for decades prepared Coach Broyles as he looked for a way to attack perhaps his greatest challenge yet.

After years of caring for his wife and receiving calls and letters from supporters, he sat down and compiled his most impressive playbook ever: ''The Coach Broyles' Playbook for Alzheimer's Caregivers: A Practical Tip Guide.'' His playbook has helped countless families caring for loved ones with Alzheimer's, letting them know that their fight with this disease is not something they must face alone. In 2004, Coach Broyles' wife, Barbara Broyles, succumbed to the disease, which still has no cure.

His accomplishments in college football will never be forgotten, but the hope and faith he has given to families across this Nation coping with Alzheimer's will leave a lasting impact on our society for generations to come.

EARMARKS FOR REELECTION CAMPAIGNS

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

Mr. FLAKE. Madam Speaker, one of my astute colleagues recently said, ''One of the toughest parts of being a Member of Congress is remembering what we are supposed to be outraged about.'' I thought about this yesterday when I heard the report that surprise, surprise, earmarks were being used to help Members get reelected. The reason that is treated with kind of a ho-hum is because, as it turns out, that is one of the more noble explanations as to why earmarks are used.

With the reporting that is going on about earmarks being tied to campaign contributions, or chairmen, or people in leadership positions getting tens of millions of dollars in earmarks for favored companies or organizations in their district, it seems that we have simply gone too far when we don't recognize this as a problem.

I would call on my colleagues in the new year to have a moratorium on earmarks. Let's put a brake on this process until we can put a process in place to adequately vet these. There is no noble purpose for the contemporary practice of earmarking. Try as we might, we aren't coming up with one.

THE DEMOCRATIC YEAR IN REVIEW

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

Ms. SCHWARTZ. The first year of the new Democratic majority is coming to a close, and we have already set our Nation in a new direction. We increased the minimum wage, improving the lives of millions of American workers. We increased fuel efficiency standards and set a new path for energy independence that will create new jobs and enhance our economic competitiveness. We enacted the largest college financial aid expansion since 1944, bringing the American Dream within the reach of millions of children in our country. And we are about to pass the largest increase in veterans health care in American history in honor of the service and commitment of all of our veterans.

We accomplished all of this in spite of the stubborn resistance of Republican obstructionists who have tried to undermine our efforts at every opportunity. We did this despite the President's refusal to compromise.

This year is coming to a close, but our commitment to change will continue. Hard-working American families can be assured that when we return in January, the Democratic majority will continue to fight for their and our priorities.

Best wishes for a happy, healthy, secure and hopeful new year to all Americans. God bless our great Nation.

THE OKLAHOMA STANDARD

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

Ms. FALLIN. Madam Speaker, this past week the State of Oklahoma experienced a severe ice storm that left over 600,000 homes and businesses without power or heat. As you can imagine, Oklahomans have had a very challenging time. Today, I want to thank the people of Oklahoma for helping each other and commend the various generous volunteers and organizations that came to their aid.

Since the disaster of the Murrah Federal Building in 1995, the people of my great State are said to have created what is known as ''the Oklahoma standard,'' rallying to help each other in times of need, and certainly this past week, to week and a half, has been no exception.

I want to personally thank Governor Henry and President Bush for working together to ensure that the proper Federal aid disaster relief has come to Oklahoma. And I would also like to commend the State Office of Emergency Management, FEMA representatives and the State Corporation Commission who kept us informed and on track as power loss was reported and power was restored.

I especially want to commend the utility crews who worked tirelessly in their efforts to restore power. I want to thank the hundreds of utility workers from other States who came to help. Thank you for leaving your homes and families during this holiday season.

Madam Speaker, there are so many organizations to thank who went above and beyond to help the State of Oklahoma, churches, synagogues and charities. The Southern Baptist Convention, United Way of Central Oklahoma, the Salvation Army and the Red Cross, to name just a few, worked to provide food, shelter and other supplies, and all went beyond their usual call of duty to clear the road to recovery.

Thank you so much, and may God bless you.

MINERALS MANAGEMENT SERVICE REFORM

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

Mr. BRALEY of Iowa. Madam Speaker, I rise today to express my serious concerns that inadequate oversight, deficient procedures, and ethical lapses at the Department of Interior's Minerals Management Service (MMS) are costing the Federal Government millions of dollars each year.

The MMS is responsible for negotiating, implementing and overseeing all

Federal leases for resources removed by private companies from public lands, and it is supposed to be a guardian of our Nation's precious public resources.

Unfortunately, evidence suggests that the cozy relationships between MMS officials and oil and gas companies have allowed these companies to underreport the resources they remove from Federal lands and underpay the royalties they owe to the Federal Government. Evidence that MMS has failed to detect and pursue these violations by oil and gas companies is especially troubling as gas prices continue to rise, corporations make record profits, and average Americans are struggling to fill their gas tanks and make ends meet.

Most hard-working, taxpaying Americans would be outraged to know that these companies are cheating the Government out of these royalties which are a critical source of revenue for the U.S. Treasury and which would allow us to invest in other priorities.

IN RECOGNITION OF THE EXTRAORDINARY SERVICE OF JANIE GALMON

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

Mr. DREIER. Madam Speaker, it is a great honor, we all know, to represent the American people here in the people's House. We all work long hours. We spend a great deal of time here. And I would like to, at this moment, mark the extraordinary service of a woman who has chosen to retire after nearly 50 years of working here in the Capitol. I am referring, of course, to the very famous Janie Galmon.

My colleagues may not know her last name, but they are very familiar with Janie's fried chicken, which has been prepared for us on Wednesdays on a regular basis. She is someone who was working in this Capitol when President Kennedy was assassinated, and she regularly has shared with us stories about that.

She always showed up to work at 5 a.m. regardless of how late we were in the night before. We could be here, and she can be working downstairs midnight, 1 o'clock, but she was always back here coming in with our friend, Sally, at 5 o'clock in the morning.

She has provided extraordinary service and sustenance to so many of us. Janie, after a half century, has chosen to retire. I want to wish her congratulations, a very happy retirement, and a very, very merry Christmas.

CARING FOR OUR NATION'S VETERANS

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

Mr. HALL of New York. Madam Speaker, first let me wish a happy and safe holiday to all our men and women in uniform who are serving here and abroad.

After watching the Department of Veterans Affairs face a $1 billion shortfall during a time of war, I came into this Congress convinced that if we had the money to fight a war, we must have the money to treat the warrior.

One of the first votes that this Congress took was to increase funding for the Department of Veterans Affairs. And one of our last votes of the year will be to provide $6.7 billion in new funding to the Department to ensure that our Nation's veterans get the care they have earned.

The way the government spends its money is a true indication of its priorities. With this appropriations bill, our new Congress has shown that America's veterans are a top priority.

CONGRATULATING MAYOR CECIL PRUETT

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

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor and to congratulate Mayor Cecil Pruett of Canton, Georgia, on a tremendous career and a well-deserved retirement. A true public servant and outstanding leader, Mayor Pruett will be retiring this month after 12 years as mayor of the City of Canton in Cherokee County, Georgia.

Mayor Pruett has always strived to better his community, and his broad experience has served his constituents well. The mayor was formerly the president of the Georgia Municipal Association, president of the Cherokee County Chamber of Commerce, and a member of the Atlanta Regional Executive Committee.

An educator, he remains active in leadership posts at Reinhardt College, Georgia Baptist Children's Home, North Georgia Regional Development Center, and his own church where he serves as a deacon.

Mayor Pruett oversaw substantial economic growth in Canton over his 12 years, but he has always worked to preserve the small town charm that is a hallmark of Cherokee County. A southern gentleman in every way, Mayor Pruett and his honest leadership will be sincerely missed. We wish Cecil and his wife, Myrna, a happy and a healthy retirement.

DEMOCRATIC ACHIEVEMENTS OVER THE LAST YEAR

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

Mr. HODES. Madam Speaker, as we prepare to complete this first year of the new Democratic Congress, I would like to take a moment to reflect on some of the major accomplishments that we have achieved on behalf of the American people. As a member of the majority makers, the historic class of 2006, we have helped to restore integrity, idealism and imagination to the people's House. We increased the minimum wage for the first time in a decade and fully implemented the 9/11 Commission recommendations to better protect our Nation.

Since then, we have worked to ease the financial burdens that middle-class families face, passing the most sweeping college affordability package in more than 60 years, and yesterday, we approved an historic energy bill to declare our energy independence and help us address global warming, saving Americans anywhere from $700 to $1,000 a year in gas prices.

Madam Speaker, I am proud to stand with fellow Democrats for an American agenda, real security, healthy families, a thriving economy, with opportunity for all, not just a few at the top, and a sustainable future for our planet. I look forward to 2008.

SCHIP

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

Mrs. BLACKBURN. Madam Speaker, it is so interesting to look at today's Whipping Post and see the myriad and vast range of the issues that are coming before us. And many of these are issues that should have been addressed months ago.

One of those that we are going to address first off this morning will be S. 2499. This is an issue that is going to deal with Medicare, Medicaid and SCHIP, the State Children's Health Insurance Program. This should have been handled months ago. It has been running under a continuing resolution.

Madam Speaker, I am so pleased that the congressional leadership has decided to finally take the politics out of this and to support SCHIP as it was currently put in place in 1997 by a Republican Congress and to keep the focus on children of the working poor who need access to health care.

I support this bill, and I encourage my colleagues to do likewise and to continue to support SCHIP as it was originally put in place in 1997 by a Republican Congress.

□ 1030

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE ECONOMY IS STRONG

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

Mr. ELLISON. Madam Speaker, earlier this week President Bush showed us that his view of the economy does not match that of the overwhelming majority of Americans. That is when he tried to convince the Nation that the economy was strong for everyone.

Does the President realize that on his watch, poverty has increased every single year, and that overall household income has decreased?

Does the President realize that at a time when Americans have less money in their wallets, they are trying to squeeze every dollar to pay higher food, gas, education and health care bills?

Madam Speaker, how bad does the economy have to get for the average working man and woman before the President realizes that there is a problem?

This Democratic Congress is not satisfied with the status quo. Over the last year, we have made progress to ease the economic crunch for middle-class, working-class families. We have passed legislation to make college education more affordable, increased the minimum wage, addressed the subprime mortgage crisis, and cut taxes for middle-class families.

We are proud of these accomplishments. We also realize that with most Americans struggling, this economy is just not working.

DEMOCRATIC CONGRESS ONCE AGAIN SUPPORTS ENERGY INDEPENDENCE AND SECURITY

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

Mr. CLEAVER. Madam Speaker, yesterday the Democratic Congress once again supported energy independence and security. This legislation, which the President is now expected to sign, includes an historic increase in fuel economy standards for vehicles and significant new support for alternative fuels.

This comprehensive Democratic energy bill provides a dramatic shift in our Nation's energy policy, including new standards for buildings, homes, lighting and appliances, and makes great strides in our fight against global warming. It is also something that we can feel good about, because it reduces the price at the pump through increased efficiency standards that reach 35 miles per gallon by 2020. This is the first increase in CAFE standards in 32 years and will save the average driver between $700 and $1,000 a year.

Madam Speaker, the protection of our environment is both a spiritual and moral issue, and Congress has failed for too many years to address this issue. I am proud that the Democratic Congress has worked to bring this historic legislation to the floor.

DEMOCRATS CONTINUE TO MOVE OUR NATION FORWARD, BUT PRESIDENT BUSH IS BLOCKING THE WAY

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

Mr. ARCURI. Madam Speaker, all year this Democratic Congress has worked to live up to our promise to move the Nation in a new direction. In many ways, we have been successful, raising the minimum wage, fully implementing the 9/11 Commission recommendations, and making college more affordable. We are proud of these accomplishments, but there are many other important bills that have been passed with strong bipartisan support here in Congress, only to be vetoed by President Bush.

We sent the President a bipartisan bill that restored harmful cuts to No Child Left Behind, job training programs, and research grants for cures for life-threatening diseases. President Bush said no with his veto pen.

We sent him a bipartisan bill that would ensure 10 million children have access to quality health care. President Bush said no with his veto pen.

We sent him a bill that would bring our troops home from Iraq by the end of next year. Again, President Bush said no with his veto pen.

Madam Speaker, President Bush has stood in the way of real progress, but know that we in Congress will continue to fight to move our Nation in a new direction.

IN STRONG SUPPORT OF THE ENERGY INDEPENDENCE AND SECURITY ACT

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

Mr. CARNAHAN. Madam Speaker, I rise today in strong support of the energy bill that will finally take our energy policy in a new direction, and I urge the President to sign it into law. This bill makes a big step toward greater energy independence and energy security.

The bill includes an historic increase in fuel economy standards, the first since 1975. This increase will save American families an estimated $700 to $1,000 a year at the pump and reduce our dependence on foreign oil. We must pursue an energy policy that moves the U.S. towards energy independence, reduces the cost of gasoline to consumers, enhances the development of alternative energy, and substantially reduces threats of global warming.

This bill also sends a clear signal to the rest of the world that the U.S. is finally serious about getting our energy and environmental policy in order. However, we still have more work to do on this issue, and this new Congress is committed to get the job done.

A COMMITMENT TO PASSING A GOOD SCHIP PROGRAM

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

Ms. SHEA-PORTER. Madam Speaker, I first want to thank Speaker PELOSI, Majority Leader HOYER and all the Members who are so committed to the SCHIP program. This Congress sent the President very good legislation that would have ensured that millions of low-income children of hardworking Americans could keep health coverage, and it would allow States to enroll millions more who qualified for the CHIP program but aren't covered because the States have not received enough funding. We also had a way to pay for this.

But each time, the President has vetoed that legislation, and here in Congress a number of my colleagues on the other side of the aisle continue to stand with the President blocking the way for this vital program to reach more children. We wanted to insure 10 million children. The President and the Republican leaders only want to insure 6 million children. And that is the crux of the problem here.

Today, we will extend the SCHIP program through March of 2009, but an important aspect of these earlier bills is not included. This past August, the Center for Medicare and Medicaid Services issued a directive to State SCHIP directors effectively informing them that they would no longer be able to insure children in families where incomes exceed 250 percent of the poverty level, $43,000 for a family of three. This is a tragedy, and we will fix it.

TRIBUTE TO THE HONORABLE TRENT LOTT

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

Mr. BARTON of Texas. Madam Speaker, I hadn't intended to give a 1-minute today, but I just got off the telephone with one of my dear friends, the Senator from the great State of Mississippi, the Honorable TRENT LOTT.

Today is his last day in the United States Senate. After a distinguished career in both the House of Representatives and the U.S. Senate, he is resigning effective, I assume, today or tomorrow, whenever the other body goes out.

I have known TRENT LOTT for the 23 years that I have been in the House of Representatives. When I first got elected, he was the minority whip here in the House. He is one of the wisest, in terms of political knowledge, men that I have ever been around in my political career. He is a great guy personally. He has a great family. He has served not only his State, but his country, with exemplary distinction for the many-odd years that he has been in the House and the Senate.

We are going to miss the Honorable TRENT LOTT of the Magnolia State of Mississippi, and I want to wish him and his family the very best this holiday season and in the years ahead.

God bless TRENT LOTT and his family.

COMMENDING HEATHER LASHER TODD FOR HER SERVICE TO THE HOUSE OF REPRESENTATIVES

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

Mr. PALLONE. Madam Speaker, today is the last day of this year of the session of Congress, and I just wanted to take the opportunity to thank my press secretary, Heather Lasher Todd, who is actually leaving today and going back to St. Louis, where she is from, with her husband. Both of them used to work for Congressman CARNAHAN, who was here before on the floor.

Many of my colleagues on the Democratic side of the aisle see Heather on a daily basis when she is down here with me trying to get Members to do 1-minutes and other message opportunities, and also worked very hard to have our weekly message meetings and come up with timely topics and people who would speak.

I am going to sorely miss her. I know that many of my colleagues will as well. I just want to wish her and her husband a great future back in St. Louis where they are from.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Recorded votes on postponed questions will be taken later.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2499

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the ''Medicare, Medicaid, and SCHIP Extension Act of 2007''.

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

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking ''and paragraphs (5) and (6)'' and inserting ''and the succeeding paragraphs of this subsection''; and

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

''(8) UPDATE FOR A PORTION OF 2008.—

''(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.''.

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) AMOUNT AVAILABLE.—

''(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

''(I) For expenditures during 2008, an amount equal to $150,500,000.

''(II) For expenditures during 2009, an amount equal to $24,500,000.

''(III) For expenditures during 2013, an amount equal to $4,960,000,000.

''(ii) LIMITATIONS ON EXPENDITURES.—

''(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

''(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

''(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year.''; and

(ii) in subparagraph (B), by striking ''entire amount specified in the first sentence of subparagraph (A)'' and all that follows and inserting the following: ''entire amount available for expenditures, after application of subparagraph (A)(ii), during—

''(i) 2008 for payment with respect to physicians' services furnished during 2008;

''(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

''(iii) 2013 for payment with respect to physicians' services furnished during 2013.''.

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)) is amended—

(A) in the heading, by inserting ''AND 2009'' after ''2008'';

(B) in clause (i), by inserting ''and 2009'' after ''2008''; and

(C) in each of clauses (ii) and (iii)—

(i) by striking '', 2007'' and inserting ''of each of 2007 and 2008''; and

(ii) by inserting ''or 2009, as applicable'' after ''2008''.

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note) is amended—

(A) in the heading, by inserting ''AND 2008'' after ''2007'';

(B) in paragraph (5), by adding at the end the following:

''(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w–4(k)) and for reporting using the method specified in paragraph (4) of such section.''; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

''(C) REPORTING PERIOD.—The term 'reporting period' means—

''(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

''(ii) for 2008, all of 2008.''.

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.''.

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''before January 1, 2008'' and inserting ''before July 1, 2008''.

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), is amended by striking ''and 2007'' and inserting ''2007, and the first 6 months of 2008''.

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2007'' and inserting ''June 30, 2008''.

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting ''AND THERAPEUTIC RADIOPHARMACEUTICALS'' before ''AT CHARGES'';

(2) in the first sentence—

(A) by inserting ''and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008,'' after ''July 1, 2008,'';

(B) by inserting ''or therapeutic radiopharmaceutical'' after ''the device''; and

(C) by inserting ''or therapeutic radiopharmaceutical'' after ''each device''; and

(3) in the second sentence, by inserting ''or therapeutic radiopharmaceuticals'' after ''such devices''.

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking ''the 3-year period beginning on July 1, 2004'' and inserting ''the period beginning on July 1, 2004, and ending on June 30, 2008''.

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w–28(f)) is amended by striking ''2009'' and inserting ''2010''.

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w–27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110–48, is amended by striking ''the Fund'' and all that follows and inserting ''the Fund during 2013, $1,790,000,000.''

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

''(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

''(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

''(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) ENFORCEMENT.—

''(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

''(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

''(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

''(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

''(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

''(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

''(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

''(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

''(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

''(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

''(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

''(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

''(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

''(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

''(i) an individual filing a claim directly against the applicable plan; and

''(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

''(E) ENFORCEMENT.—

''(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

''(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

''(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

''(i) Liability insurance (including self-insurance).

''(ii) No fault insurance.

''(iii) Workers' compensation laws or plans.

''(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

''(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)) is amended—

(1) in paragraph (1)(A), by inserting ''for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008'' after ''paragraph (3)'';

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting ''for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008,'' after ''paragraph (3)''; and

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

''(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

''(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

''(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

''(II) the total number of units specified under paragraph (2) sold; and

''(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

''(I) the total number of units specified under paragraph (2) sold; and

''(II) the total number of billing units for the National Drug Code for the billing and payment code.

''(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.''.

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w–3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting ''paragraph (7) and'' after ''Subject to''; and

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

''(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

''(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

''(i) the payment amount that would be determined for such drug or biological applying such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

''(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

''(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

''(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.''.

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbA1c that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).''.

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

''Long-Term Care Hospital

''(ccc) The term 'long-term care hospital' means a hospital which—

''(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

''(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

''(3) satisfies the requirements of subsection (e); and

''(4) meets the following facility criteria:

''(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

''(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

''(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.''.

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term ''applicable long-term care hospital or satellite facility'' means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term ''existing'' means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

''(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

''(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

''(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.''.

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk–1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: ''The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.''.

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking ''apply the applicable percent specified in subsection (b)'' and inserting ''require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,''; and

(B) by amending subsection (b) to read as follows:

''(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term ''75 percent rule'' means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110–54 (121 Stat. 551) is amended by striking ''January 1, 2008'' and inserting ''July 1, 2008''.

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

''(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.''.

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) THROUGH THE SECOND QUARTER OF FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking ''and'' at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting ''; and''; and

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

''(11) for each of fiscal years 2008 and 2009, $5,000,000,000.''; and

(B) in subsection (c)(4)(B), by striking ''for fiscal year 2007'' and inserting ''for each of fiscal years 2007 through 2009''.

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) END OF FUNDING UNDER CONTINUING RESOLUTION.—Section 136(a)(2) of Public Law 110–92 is amended by striking ''after the termination date'' and all that follows and inserting ''after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.''.

(4) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking ''or 2008'' and inserting ''2008, or 2009''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) CERTAIN RULES MADE PERMANENT.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) ADDITIONAL ALLOTMENTS TO ELIMINATE REMAINING FUNDING SHORTFALLS THROUGH MARCH 31, 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

''(j) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph 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 as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

''(C) the amount of the State's allotment for fiscal year 2008.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

''(k) REDISTRIBUTION OF UNUSED FISCAL YEAR 2006 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS DURING THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

''(2) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

''(B) the amount of the State's allotment for fiscal year 2009.

''(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

''(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

''(l) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

''(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

''(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph 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 Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

''(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

''(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

''(C) the amount of the State's allotment for fiscal year 2009.

''(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

''(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

''(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of

the amounts determined for each shortfall State under subparagraph (A).

''(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

''(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

''(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).''.

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking ''December 31, 2007'' and inserting ''June 30, 2008''; and

(2) by striking ''first quarter'' and inserting ''third quarter'' each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2007'' and inserting ''June 2008''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking ''and'' at the end;

(2) in subparagraph (H), by striking the period at the end and inserting ''; and''; and

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

''(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.''.

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting ''AND PORTIONS OF FISCAL YEAR 2008'' after ''FISCAL YEAR 2007''; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:
''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.'';

(B) in clause (ii)—

(i) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(ii) by inserting ''or period'' after ''such fiscal year''; and

(C) in clause (iv)—

(i) in the heading, by inserting ''AND FISCAL YEAR 2008'' after ''FISCAL YEAR 2007'';

(ii) in subclause (I)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''for such fiscal year''; and

(iii) in subclause (II)—

(I) by inserting ''or for a period in fiscal year 2008 described in clause (i)'' after ''fiscal year 2007''; and

(II) by inserting ''or period'' after ''such fiscal year'' each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: ''Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.''.

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following ''(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)''.

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting ''as an agency of Congress'' after ''established''.

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2008'' and inserting ''2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

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

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 10 minutes to the gentleman from California (Mr. STARK) and ask unanimous consent that he be allowed to control that time.

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

There was no objection.

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

Madam Speaker, when this Congress was first gaveled into session by Speaker PELOSI, she declared it the Children's Congress. With that in mind, we set out to enact an ambitious agenda that included legislation to provide health care to 10 million low-income American children. But we were forced to go it alone. Instead of working with us, the President and his Republican foot soldiers in Congress chose to fight us tooth and nail.

We were not deterred by the President or the opposition that we faced from congressional Republicans. Earlier this summer, the House passed the CHAMP Act, which would have strengthened the Children's Health Insurance Program, CHIP, and helped secure health care coverage for 10 million American children, 4 million of which are presently uninsured and come from hardworking families.

The CHAMP Act also included dramatic improvements for beneficiaries and providers under Medicare, which, if enacted, would have put the program on a more stable financial footing and ensured that seniors have access to the medical care they need and deserve. The CHAMP Act would have also protected Medicaid from harmful regulations which are now about to go into effect and will cut billions of dollars in critical services for low-income and disabled citizens of all ages.

Now, some may see the defeat of the CHAMP Act this year as a great victory for the President and his Republican allies in Congress. But they may have succeeded in being nothing more than obstructionists. No one has gained anything from these actions by the President or my Republican colleagues, least of all the people who rely on these programs for their health care.

This year, we had a chance to strengthen our Nation's health care safety net and improve the lives of our most vulnerable citizens, the elderly, the young, the poor and the disabled. Instead, both the administration and congressional Republicans are content on leaving here this year with doing the bare minimum on CHIP and Medicare when we could have accomplished so much more to improve the health of millions of Americans.

So now, Madam Speaker, we are left with a package that addresses the most immediate concerns, but leaves any real health care improvements for another day, and I think that is very unfortunate. But with the current President and the current Senate, sadly, this is the best we can do. But I will say, Madam Speaker, the Democrats

are determined in the next year to revive the CHAMP Act and the provisions that we care so much about, because we know that that is the best for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2½ minutes.

Madam Speaker, it is difficult to speak on this subject because we have debated it so many times in the last 1½ months. Suffice it to say that all is well that ends well, and today we have a bill before us that is going to temporarily fix the physician reimbursement issue. It is going to extend the SCHIP program through March of 2009. It is going to extend the special diabetes program for another year and a number of other things.

These are all good things and people on both sides of the aisle support them. It shouldn't have taken all year to do these things, but it has.

I want to speak very briefly about the SCHIP program. The language in the bill before us is essentially the Barton-Deal language, which Congressman DEAL of Georgia, the ranking member of the Health Subcommittee, and myself introduced 7 or 8 months ago to extend the existing SCHIP program for 18 months, to make sure that all children currently receiving coverage continue to receive coverage, to have a slight increase in funding so that some new enrollments could occur. It is a commonsense approach to an issue while we debate with our friends on the majority side the extent to which we want to expand or change the program.

We have had two Presidential vetoes. We have had enough speeches on the House floor and the other body to probably populate a national forest in terms of the amount of paper that has been used to cover those speeches. And yet we are here today doing what we could have done 11 months ago.

I am very pleased that the SCHIP program is going to be extended. I am very pleased that no State is going to lose funding. I am very pleased that we are going to continue to cover the children that have been covered. And I look forward in the next year to the same offer that Congressman DEAL and Mr. MCCRERY and Mr. CAMP and I have made to our friends on the majority, let's have some hearings.

We now have 15 months. We could hold regular hearings. We could introduce draft bills. We could circulate those bills. We could have a bipartisan dialogue. We could have an actual open, transparent committee markup in both the Ways and Means Committee and the Energy and Commerce Committee. It is still possible in this Congress to have the meetings of the mind on SCHIP in terms of changes to the program, and I hope, Madam Speaker, that that occurs in the next 12 months.

□ 1045

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

I wish I could say I was pleased to be here today to support this important legislation, but you can't say that about this bill the Republicans have brought us.

Last July we sent to the Senate the CHAMP Act, a strong bill that preserved and improved both the Medicare and SCHIP program. The CHAMP Act extended health coverage to 10 million children nationwide. This bill doesn't even come close.

This bill was designed by the Republicans to support their rich friends, the pharmaceutical industry, the for-profit insurance industry, and to destroy Medicare as millions of American seniors have known it, to harm children, and to cast blame at illegal immigrants and working single parents. It shows the Republicans in their truest form: Help the rich at the expense of the poor; to deny government services to anyone, and only help the profit industries who pay them so generously through their campaign contributions, which will be useless, because the public will realize that we don't need them anymore.

The CHAMP Act provided Medicare benefits for all, and it increased protections for low-income beneficiaries. It extended the physicians' reimbursement above par for 2 years and it protected rural providers for those same periods of time. The CHAMP Act overwrote provisions enacted by the former Republican majority designed to end Medicare as an entitlement program. The CHAMP Act was paid for by reducing overpayments to the substandard private plans in Medicare, plans designed to privatize the program by Republicans.

For this effort, House Members, five Republican Members and the Democrats, and our staffs are to be congratulated. They worked hard and took tough and reasoned positions. The Senate failed to act on our legislation and the irresponsible Republicans in the House of Representatives failed to help the children in this country as is their wont.

What we have before us gives the lowest common denominator a bad name. The Senate has sent us a bill that extends otherwise expiring Medicare provisions by a mere 6 months, meaning that we will be back here next summer, next spring trying to fix a system which the Republicans consistently try and privatize and destroy. That is Medicare and SCHIP. For the next 6 months, the bill delays the 10 percent physicians cut, prevents some therapy caps from going into effect, and protects rural providers by extending a host of particular provisions that would otherwise expire.

There are some provisions that run longer. SCHIP will go for 15 months, moving it forward in time when we have a new President, whom we hope will be willing to work with Congress to protect children's health and expand access to care. It also makes longer term reforms to Medicare payment policies for long-term care hospitals and rehab hospitals, two changes that are long overdue.

What is wrong with the bill is what it fails to do. It flat out fails to address real improvements needed for Medicare beneficiaries, many of which we had addressed in the CHAMP Act. It lacks increased protections for low-income beneficiaries; it lacks Medicare mental health parity; it lacks overdue improvements in preventive benefits and nonpayment related reforms to the HMO program. It lacks limits on physician hospital ownership and self-referral. And the list goes on.

Adding insult to injury, this legislation also lets HMOs in the insurance industry off virtually scot free, even though MedPAC, CBO, GAO, the Office of the Inspector General and even the administration's own actuaries confirm that we overpay these second-rate, for-profit plans relative to the rest of Medicare.

I would hope that those of you learned, as I learned, that if you don't like the food, don't eat it, but don't complain about it.

We still have a strong bill pending in the Senate, the CHAMP Act. The Senate must act early in 2008 so that we can reach a better outcome for Medicare. We just can't keep subsidizing the for-profit providers and failing to serve our own children and seniors. So we must proceed as best we can.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 17½ minutes.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent to yield 10 minutes of that time to the gentleman from Louisiana (Mr. MCCRERY), the ranking member of the Ways and Means Committee, for him to control.

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

There was no objection.

Mr. MCCRERY. Madam Speaker, I agree with some of the comments that have been made by the majority today, not all of them, of course, but some of them.

I think it is a shame that we were not able to reach a bipartisan agreement on a longer term extension of the SCHIP program. As Ranking Member BARTON has pointed out on more than one occasion, though, this process was pretty much doomed from the start because the majority failed to include the minority at all in the early stages of putting together legislation for this important program.

And I understand, it is difficult being in the majority for the first time in 12 years and not really knowing how to get things done. It's tough to govern. It's tough to have the responsibility to actually pass legislation and make law. We did it for 12 years, and we had some troubles ourselves in the first year or

so that we were in the majority. So I understand. But I hope the majority will learn from this experience.

We have two choices, the majority has two choices, really, insofar as dealing with the SCHIP program. And that is, number one, next year they could do as Ranking Member BARTON suggested and have hearings on the SCHIP program and work with the minority hand in hand to try to come up with a reasonable extension reauthorization of this important program.

Number two, they could try the same thing next year that they did this year and get the same result, and then just wait until after the elections and hope that they would have a Democratic President, a Democratic majority, and can do what they want, maybe.

I would submit that the better course is the former, and that is to work with the minority next year. We certainly made that offer this calendar year. I would extend it, at least from my committee's standpoint, that invitation again for next year. And I am hopeful that we can do that.

This bill before us today covers a lot of other things besides the SCHIP program. As Chairman STARK said, we do have in here kind of a stalling of the cliff that physicians find themselves looking over as far as Medicare reimbursement. We only do that for 6 months. We do several other things for 6 months, including therapy caps which I think are very important. So we are under the gun, this Congress is under the gun, and I would submit that means both the majority and the minority early next year to get some things done in the Medicare field.

Again, I certainly want to extend my hand to the majority and offer to work together to get these very important things that are only extended or only dealt with for 6 months in this bill, a more certain future with legislation next year.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, December is a month of holidays, holidays about families; Hanukkah, the Festival of Lights; Kwanzaa about family traditions. At this time of year I always think about my children when they were little, their beautiful faces staring into the creche at the baby Jesus. But during this special time, the very best present we could give 4 million children in this country is the gift of health care.

Every parent knows that quality health care is the foundation for a happy and successful life. Sadly, at this special time, Congress is denying this gift to 4 million children who are eligible right now under the SCHIP program but are not enrolled. Although the House and Senate passed great legislation that would have expanded the coverage to these children, the President has vetoed it twice. And so, reluctantly, I stand here today in full support of current law.

The current SCHIP program is a great one that has worked for 10 years, one that we should all stand up for and be proud of. It will guarantee that the 6 million kids currently enrolled will not lose their health insurance until March 2009.

As the new year draws close though, Madam Speaker, we must recommit ourselves to ensuring that every child in this country who is eligible for SCHIP is enrolled. And that is why I ask the Speaker and my wonderful committee leadership to recommit ourselves to reauthorizing this program earlier than March 2009 so all these kids may be covered.

In addition, Madam Speaker, this bill contains protections for seniors. But, again, it is only a start. There is much more to be done, and I am committed to working with my colleagues to develop a comprehensive bill that will do more than extend protections to doctors and seniors for only 6 months.

Finally, Madam Speaker, I want to commend my colleagues for including extension of the special diabetes program in this bill. This will ensure cures for millions of Americans.

Mr. BARTON of Texas. Madam Speaker, I yield 2½ minutes to the distinguished ranking member of the Health Subcommittee, Mr. DEAL of Georgia, who has worked tirelessly on these issues this year.

Mr. DEAL of Georgia. I thank the gentleman from Texas for yielding.

Madam Speaker, I am pleased to rise today in support of S. 2499. This vital legislation will help preserve Medicare beneficiaries' access to their physicians' services, in addition to providing States certainty as to their ability to cover their SCHIP children for the next 13 months and to continue to enroll eligible children in their programs.

While this bill does not contain the needed reform of the sustainable growth rate formula in Medicare, it averts a payment cut for physicians which, I fear, would have dramatically impacted physician participation in Medicare. Moving forward, I hope that we would work in a bipartisan way to reform this SGR system rather than continuing these short fix programs that we have seen for the last several years. The physicians who serve this Nation's elderly population should not be subject to this annual uncertainty, constantly wondering whether or not they will be able to afford to see their Medicare patients.

On the second subject, for months I have supported a long-term extension of the SCHIP program to ensure that children currently enrolled would continue to have health care services, and to allow States the certainty of funding so that they can continue to enroll eligible children.

In the coming months there should be ample opportunity for SCHIP legislation to move through a regular legislative process without the pressures created by last-minute expiration of the program. I look forward to working with my colleagues on both sides of the aisle on this bill, which would help put and continue to put low-income children first, and continues the purpose of the original program: To serve the neediest children with health care. As a supporter of the program, it is unfortunate to me that we have not been able to reauthorize it for a longer period of time, but this extension should give us the opportunity to do so in a thoughtful and appropriate process. I would hope to work on these issues in a bipartisan fashion next year, and I urge my colleagues to support this bill.

Mr. STARK. Madam Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. A lot of people have mentioned that in fact this extension will cover the children that presently are in the program. That is half true and half not true. Kids who are on the program will be covered. But if you live in 14 States in the United States, because of the President's executive order, if you live in California, Connecticut, Washington, D.C., Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, or Washington, kids in those States will actually come off the rolls in August because of the President's executive order. And in those States, the Governors will have to begin to develop plans to notify those kids and their parents because of the President's executive order.

So not all kids who are on the program will actually stay on the program. And that is just a consequence, after passing two bills to give 10 million children health care, two bills with 45 Republicans and 220 plus Democrats here in the House, and 18 Republicans in the Senate and every Democrat in the Senate, we were unable, which is unique around here, but we were unable to get the President to sign this legislation. And so what we couldn't resolve, the American people will resolve in November.

President Kennedy once said, to govern is to choose. We have made our choice, the President and some on your side made your choice, and in November the American people will make their choice. And that is how differences get resolved here. I think we should understand that.

And so, as the President has said, a lot of children will have universal health care in this country because we have an emergency room in hospitals. A lot of kids will end up in emergency rooms that didn't need to go to emergency rooms.

We did right in a bipartisan fashion to get a bill. In my own view, this will be the first thing that the new Democratic President will get done. We don't need March 9. It will get done within

the first month. It will be a major accomplishment for a Democratic Congress, a Democratic Senate, and a Democratic President.

□ 1100

Starting this August in those 14 States, kids and their parents that did have health care will be notified they will no longer get health care. Now, there is a consequence to that, because August 2008 is 2 months before the election. And I don't think that is a problem. As a matter of fact, we can't protect the American people from the consequences of the President's decision, and a number of Republicans stand by him. We did right. There was a bipartisan bill to resolve a major problem to give 10 million children health care. We didn't accomplish it. We will be back and we will get it done because the American people deserve and the kids deserve the same health care that their Members of Congress and their kids get. This is what that would have done.

Mr. MCCRERY. Madam Speaker, before I recognize the gentleman from Pennsylvania (Mr. ENGLISH), I would just point out under the President's executive order, those States do have the option of covering the low-income children in their States first. If they do that, then they can certainly expand it to higher income children.

At this time I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Thank goodness they are not going to have to wait a generation for a Democratic President.

This bill, Madam Speaker, is a good resolution to a political impasse and a good solution to the hindering cuts that impede our Nation's physicians and would impact on the health care of our young people and our seniors.

It makes a substantial adjustment for physicians who participate in the Medicare program, albeit only temporary. Although I would have liked to have seen a more permanent and comprehensive solution to a range of Medicare issues, we just couldn't wait and allow 10 percent cuts in payments to physicians to occur. I hope to work with my colleagues on both sides of the aisle on a more permanent solution in the upcoming year to this particularly thorny issue.

The legislation before us also endorses important issues that I have fought hard to be involved with and to make progress on, including extending the exceptions process for therapy caps and a revision of the policy structure for long-term care hospitals. Those are legacy issues that we are going to have to take up sooner rather than later.

I am glad we have a final resolution temporarily on SCHIP. Thank you. I urge a vote for the bill.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I thank the gentleman for yielding me this time. Today I stand boldly in support of this Medicare, Medicaid and SCHIP Extension Act.

Madam Speaker, 800,000 children, as you know, in the State of California are covered by this program. It is essential that we continue to provide that coverage. But many, many low-income and minority children will not be covered because previously this President vetoed our bill twice where we would have taken this farther. Instead of the 6 million that are currently in the program, it would have gone to 10 million children. But we can't talk about that now.

But one thing is sure, our constituents, our seniors, are telling us we also need to provide a fix for our doctors because many of our seniors that are on low-income assistance now need to see their doctors, and we know how vitally important that is.

Each and every one of us has an obligation to provide support for the very vulnerable in our communities. And I think there is a saying somewhere, maybe in the Bible, that says we will be judged by how we deal with those that are most vulnerable. And those are our frail, elderly and our children.

I know we can do better. I also pray that we have better outcomes after 2008, because I do believe that our public, our constituents, are demanding that we step up to the plate on health care. That is the number one priority that we are reading about throughout this country, that we cannot stand behind and not speak up here on the House, on the floor and demand that we have better coverage for all of our populations. I speak not only as a Latina and as a woman representing a low-income community, but I think I speak for many millions of people who would like to hear their Congresspeople speaking out loud and shouting out loud about the need for better health care coverage. They are demanding it. Yes, as my former colleague said on the floor, we will probably see those results change once November 2008 arrives.

Merry Christmas to the Congress.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds just to point out that the subregulatory deadline that Mr. EMANUEL referred to requires States to show a good-faith effort to cover 95 percent of those children below 200 percent of poverty before they cover children above 250 percent of poverty.

I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Madam Speaker, I want to compliment Mr. BARTON and Mr. DEAL for the extraordinary amount of work they have done on this issue this entire year. I know that they are pleased that the congressional leadership has joined them in working to be certain that we take the politics out of this issue and we keep the focus on how we address the health care needs of our Nation's most vulnerable, our children and our elderly.

A couple of things that we are going to see in this bill, as you have already heard, the Medicare physician payment schedule, the cut that was to take place is not going to. They are going to see a half percent increase through June 2008. My hope is that we will be able to have the majority work with us to resolve this issue.

I think it is just unconscionable that every single year this SGR gets revisited and we try to work it through. We know that this is something that we are going to be providing. It is a service. Health care is going to be provided for our Medicare enrollees. And, Madam Speaker, this needs to be dealt with and the problem needs to be solved.

I am also pleased that SCHIP is going to be extended through March 2009 and that we are keeping the focus there on standing in the gap between those children that are not eligible for Medicare and those that have the ability to afford private health insurance. This gets back to the original intent of that program to be certain that the children of the working poor are covered.

I am also pleased that this contains the 6-month extension of critical funding for the Tennessee Medicaid DSH payments to our hospitals.

Madam Speaker, there should be some lessons learned from the 1115 waiver process that my State of Tennessee has been through and through the experiment of HILLARY CLINTON health care and the failures of that. As we move forward, I hope we look at those lessons learned.

I appreciate this legislation does provide those DSH payments to these hospitals. I look forward to working with the majority.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in strong support of the Medicare, Medicaid and SCHIP Extension Act of 2007.

This bill includes a provision based on legislation I introduced with Representatives TANNER, LOBIONDO and HULSHOF that would not only freeze compliance thresholds under the 75 percent rule at 60 percent, it would require CMS to consult rehabilitation facilities in developing recommendations on more appropriate criteria than the 75 percent rule for determining IRF admission policy.

The legislation will stop CMS in its tracks from continuing to implement an out-of-date 75 percent rule that is 100 percent wrong for Americans, and ensure that millions of individuals will continue to have access to the critical care and medical services provided by rehabilitation facilities.

There are a number of individuals I would like to thank for their tireless work on this legislation: Chairman RANGEL and the entire Ways and Means staff, particularly Jon Sheiner, Cybele Bjorklund, and Janice Mays; my partners on this legislation, Representatives TANNER, LOBIONDO, HULSHOF, and

their staffs, Vicki Walling, Dana Richter, and Erik Rasmussen; and my legislative director, Jean Doyle.

And last but certainly not least, the key advocates from hospitals in my district in New York: Dr. Walsh from Burke Rehabilitation Center, Maggie Ramirez from Helen Hayes Hospital, and Keith Safian from Phelps Memorial Hospital.

Your tireless work along with the support of Chairman RANGEL and others in Congress helped us get to where we are today. I urge my colleagues to support this very important legislation.

Mr. MCCRERY. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. MCCRERY) has 6 minutes. The gentleman from New Jersey (Mr. PALLONE) has 2 minutes remaining. The gentleman from California has 2½ minutes remaining. The gentleman from Texas has 3¼ minutes remaining.

The Chair will recognize in reverse order the closing arguments, beginning with the gentleman from Louisiana (Mr. MCCRERY), the gentleman from California (Mr. STARK), the gentleman from Texas (Mr. BARTON), and the gentleman from New Jersey (Mr. PALLONE).

Mr. MCCRERY. Madam Speaker, at this time I recognize the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP), for 2 minutes.

Mr. CAMP of Michigan. Madam Speaker, I appreciate the distinguished gentleman yielding me this time.

I am glad we have the opportunity to vote on this legislation today which is critical to protecting doctors from receiving the 10 percent Medicare cut and providing certainty to the SCHIP program, the State Children's Health Insurance.

But let's not kid ourselves. This is the bare minimum and we are capable of much more. It is disappointing that the majority would not work in a bipartisan fashion to craft at least a 1-year reprieve from the Medicare cuts for physicians, as Republicans were able to do in previous years. This 6-month extension is simply putting the problem off and not solving it. The majority knew this 10 percent cut was coming. So what did they do? They passed a CHAMP bill that was fraught with problems that cut home health, skilled nursing facilities, devastated Medicare Advantage and the individual care, and would have left 22 States without one senior receiving Medicare Advantage. That was nearly 6 months ago. And what has happened since then? Nothing.

It is unfortunate that we could not come to a bipartisan compromise on SCHIP, which was and is within reach. A simple extension, while better than what the majority offered, and their offer was transforming a program to assist low-income children to an entitlement for families earning $80,000 a year, is much worse than what was possible.

As I said before on this floor, I stand ready to work in a bipartisan fashion to address the looming cuts faced by physicians in Medicare. I hope we can see this legislation for the Band-Aid that it is and return next year with a commitment from leaders in both parties to enact real long-term Medicare payment reform.

Mr. BARTON of Texas. Madam Speaker, I yield 1¼ minutes to the gentleman from Alabama (Mr. ADERHOLT) who is one of the negotiators of an attempt at a compromise.

Mr. ADERHOLT. Madam Speaker, I would like to thank every Member who has worked on this piece of legislation, and there has been a lot, especially Mr. BARTON and Mr. DEAL who have gone beyond the call of duty in their work. I have been in meetings with them for many hours, so I appreciate their work.

I think we are all disappointed that it has taken so long to come up with a solution, but in the end we have arrived at a correct decision.

When SCHIP was first brought to the floor in 1997, I was a new Member of Congress. It was a bipartisan bill that was enacted by a Republican House and Senate. And it was signed into law by a Democrat President.

This year's process has been anything but bipartisan. I think it would be fair to say that the political rancor in the debate that has occurred over the last several months has surpassed anything that most of us have seen while we have been in Congress. But it is time to move forward and it is time that we remember what is important in this whole process, and that is the children that need health care in America, that are simply the poor in this country.

In my home State of Alabama, SCHIP has been a tremendous success and has helped a new generation of children live happier and healthier lives.

□ 1115

I'm pleased that this Congress has decided to extend this vital program into 2009 and provide a level of certainty to State health directors that did not exist under our previous resolutions. This is a good solution, and I encourage my colleagues to support it.

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to the gentleman from Texas, the ranking member of the Social Security Subcommittee of the Ways and Means Committee, Mr. JOHNSON.

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

Mr. SAM JOHNSON of Texas. Madam Speaker, today we're considering a bill that does some important things. One, it stops the 2008 physician cuts. Two, it extends the Children's Health Insurance Program past the politics of the Presidential election; and three, it helps physicians who are called up for active duty to serve their country. But in reality, this isn't the best bill Congress could have put together, and y'all need to know that.

For the first time, physicians don't know what Medicare will pay them next year. In 6 short months, doctors will once again be facing more than a 10 percent cut in their reimbursements. That uncertainty is no help when you're trying to run a business.

When it comes to physicians who are called up to serve their country and their community, this bill does deliver temporary relief.

Earlier this year Congress moved in a bipartisan fashion to temporarily fix an oversight in Medicare. Previously, the law created a red tape nightmare for any Medicare physician who needed to leave his practice for more than 60 days at a time. The bill before us today continues this fix for just 6 months by allowing our Reservists to have one substitute doctor for their entire deployment.

I look forward to working with my colleagues next year on a permanent fix for this problem. We need to support our troops and the docs that are called up.

Mr. PALLONE. Madam Speaker, I just want to inquire if the other side is prepared to close or has any additional speakers.

Mr. BARTON of Texas. Madam Speaker, I am the only speaker remaining for my portion of the time, so I am prepared to close.

Mr. MCCRERY. Madam Speaker, I have two remaining speakers.

The SPEAKER pro tempore. The gentleman from Louisiana has 3 minutes remaining.

Mr. MCCRERY. Madam Speaker, I would yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I appreciate the gentleman yielding. And I stand today in full support of this 18-month extension of the Children's Health Insurance Program, and also the 6-month mitigation of the payment cut to our physicians under Medicare.

But, Madam Speaker, let me say in regard to that 6-month mitigation, we have done this the whole time that I've been in this Congress, the past 5 years, with a Band-Aid. We're literally doing it this time with a spot Band-Aid, and first thing you know we're going to do a 3-month mitigation and a month-to-month mitigation. It's time to end this flawed sustainable growth rate, just like it's time to end the alternative minimum tax that was not indexed for inflation. They're both flawed, and we need to strike both of them dead permanently.

In regard to the Children's Health Insurance Program, Madam Speaker, the distinguished chairman of the Democratic Conference spoke a little earlier, talking about certain children are going to lose their coverage during this 18-month extension. Well, certain children should lose their coverage if their

families make up to 300 percent of the Federal poverty level, which is about $65,000 a year, and it crowds out those children from needy families who are not being covered.

So this extension, I want to commend my colleague from Georgia, NATHAN DEAL, and Ranking Member BARTON. This is their bill, and this is exactly what we need to do. We need to make sure we have 90 percent coverage saturation and those children up to 250 percent of the poverty level before we consider anything else. I support this extension.

Mr. MCCRERY. Madam Speaker, I have two remaining speakers. I promise this will be the last time I will have two remaining speakers.

At this time I would yield 30 seconds to the gentleman from Missouri, the distinguished minority whip, Mr. BLUNT. And I believe my colleague, Mr. BARTON, is going to also give him 30 seconds.

Mr. BARTON of Texas. Madam Speaker, I would like to yield 30 of my seconds to the gentleman from Missouri (Mr. BLUNT).

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 1 minute.

Mr. BLUNT. Madam Speaker, I thank the gentlemen for yielding.

I'm just here to say that I think this 18-month extension gives us the time we need to make SCHIP an even better program. It extends the current program. It increases funding for the current program. It helps the States that have a shortfall. It ensures that kids who don't have Medicaid, who are in that second 100 percentile, the families who are closest to the Medicaid number, get their coverage first, by not reversing the policies the administration has lately put in place on waivers. It does important things to ensure that the qualifying standards for SCHIP don't change. On those areas that extend Medicare payments to doctors, I would remind my friends here that we're paying for those, most of that, through the stabilization fund on the last big fight here we had. This was the fund we thought we might need to make part D addition to Medicare as a competitive and innovative addition to Medicare work. We didn't need that money because it's working on its own. The last fight we had this big on a health care issue, we kept hearing how terrible it would be for seniors. Eighty-seven percent of the seniors don't think it's terrible at all.

I think we're going to see that this debate also leads to better results for SCHIP, not worse results for SCHIP. I'm glad to see this extension.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. MCCRERY. Madam Speaker, I assume all managers of time have one remaining speaker?

Mr. STARK. I have one.

Madam Speaker, I would yield, at this point, 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, this pathetic excuse for a Medicare bill is made necessary by a Republican refusal to tackle waste, fraud and abuse. To fulfill an ideological dream, taxpayers are compelled to continue wasting billions of dollars to fund abusive private Medicare Advantage plans run by Bush administration buddies, rather than less expensive, more effective traditional Medicare.

And while doctors are rightly protected from a scheduled payment cut, how about the millions of poor seniors who are cut off from access to extra help for prescription drug coverage? As with so many battles in this Congress, where it is a contest between the poor and a well-financed special interest, guess who gets knocked out?

This shell of a bill actually means that millions of our youngest Americans will still be barred from access to the Children's Health Insurance Program, and, of course, it will enable my State, Texas, to maintain its dubious distinction of being number one, the number one State in the country with children who have no health insurance, due largely to the indifference of then Governor George Bush, now the ''veto-er in chief'' when it comes to children's health insurance.

This House had approved the CHAMP Act. Today, about all that remains of it, thanks to continued Republican obstructionism and one veto after another, is what could be called the CHUMP Act because it reeks of fiscal irresponsibility and social inequity. Something may be better than nothing, but this is barely something. In 18 months we'll correct it.

Mr. MCCRERY. Madam Speaker, I would yield 1 minute to the gentleman from Georgia (Mr. PRICE) and note that I still believe bipartisanship is the way to solving these problems, especially in the next year.

Mr. PRICE of Georgia. I thank my friend for yielding and for his leadership.

There's a recurrent theme that we've heard this month and that is from this majority party that continues to lament the work product of this 110th Congress. You'd think they weren't in the majority.

But it's time to set the record straight about a couple of items. One is SCHIP. The reason that SCHIP hasn't moved forward in the way that they envisioned is because the American people didn't believe that over half of the American children ought to be on a government-run system.

Were there alternatives? Absolutely. The alternative that we put on the table was to reauthorize the program, provide premium assistance for families up to $63,000 and give States greater flexibility. That's a positive solution.

In the area of SGR or the physician reimbursement in Medicare, it's important to appreciate that this 6-month extension is wrong. Medicare is woefully flawed. The 6-month extension is an insult to both patients and physicians.

What we call for is for bipartisanship, for working together to solve the Medicare physician payment program that works well for patients and works for physicians and makes certain that patients and their families control health care, not government.

Mr. STARK. Madam Speaker, I yield myself the balance of the time and agree with the gentleman from Georgia that the fix for the physicians is an abomination, but it was written by the Republicans in the Senate, and with concurrence with Republicans in the House. So I congratulate you for at least recognizing a lousy piece of legislation when it's drafted by Republicans.

The distinguished gentleman from Texas (Mr. BARTON) suggested that all's well that ends well, and that pretty much sums up the Republican philosophy. They've kept 4 million kids from getting health care. They've endangered the health care of many of the 6 million kids on SCHIP now, and they've protected the for-profit insurance industry and other special interests who fund their campaigns to the detriment of the children and the seniors in this country.

You might call that all well, but the Democrats don't.

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

Mr. BARTON of Texas. Madam Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. BARTON of Texas. I want to compliment Congresswoman LOWEY of New York for working to include the 60 percent fix for the rehabilitation hospitals. I wasn't aware that that was in the bill. I'm very pleased that that is.

I would like to, I guess, compliment my friend from California, Chairman STARK, for at least agreeing that this bill is worthy of coming to the floor.

I would like to point out that the whole purpose of SCHIP is to cover low- and moderate-income kids. That was the original intent. There are many of us on this side of the aisle that still think that should be the intent. If you want to go to some of the larger numbers of coverage of children that are currently not covered, you have to go above 250 and, in some cases, above 300 percent of poverty.

You also are covering right now six to 700,000 adults. There are those like myself that don't think adults need to be covered by SCHIP because those same adults can be covered by Medicaid, which is the coverage for low-income Americans, regardless of how old they are.

I would like to point out the obvious. When you're in the minority, the only way you can get anything passed is to work with the majority. That's self-evident. When you're in the majority

you can pass things in the House just by yourself, but if you want them to become law, you normally have to work with the minority. And I hope this debate on SCHIP has shown people on both sides of the aisle that we should be trying to legislate and work together instead of scoring political points for one particular side.

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

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

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Madam Speaker, this bill is the result of Republican intransigence. This is a Band-Aid. And I would remind my Republican colleagues who seem to think that this is good legislation, that every day that goes by, more kids are going to get off SCHIP.

They put out that directive of August 17 that says that if a kid's parents lose their job, they would have to wait 1 year before they could get SCHIP coverage.

So the bottom line is more kids are going to go off SCHIP. We're just barely paying for the kids that are on it now.

They're not willing to do anything. They said that they were willing to negotiate. Well, we had negotiations, our majority leader said, for over 100 hours, and they still could not come up with an agreement.

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The President refuses to fund anything. He won't pay through a tobacco increase, the only tax increase. The only thing he says he will do is cut programs to pay for expanded SCHIP that would even make it harder, like cutting Medicare.

So the fact of the matter is we are stuck with this lousy bill that was negotiated between the White House and the Republicans in the Senate. We don't like it. It's simply a temporary measure, and we as Democrats are committed to the fact that in the beginning of next year we're going to take up SCHIP again. We're going to take up the issue of Medicare to try to prevent the privatization that takes place under the current program. We're determined to correct these programs.

But it won't happen if the Republicans continue their intransigence, both at the White House and here in the House of Representatives. There is no reason to believe, based on what they've done in the last 6 months, that this Republican minority wants to work with us to achieve a better result.

So we are stuck with this bill today. It is a Band-Aid approach. We have to pass it so we can continue with the existing programs. But every day that goes by, Medicare suffers because fewer and fewer doctors are likely to take Medicare and fewer and fewer kids are going to get coverage because they're going to have to go to the emergency room because they can't see a doctor on a regular basis. That's not the way to operate. And I have to say that it's totally due to the fault, in my opinion, of the President and the Republicans here in the House of Representatives. I hope this changes in the next year.

Mr. LEVIN. Madam Speaker, it has become clear, not only to my colleagues in Congress, but also to the American people, that the intransigence of President Bush and his supporters in the House and Senate have made it difficult to advance long-needed bills to improve Medicare and expand the Children's Health Insurance Program.

The bill we are considering today in no way reflects negotiations with the Senate on the CHAMP Act that the House approved with a bi-partisan majority on August 1st, and the Senate's Medicare and SCHIP priorities. Rather, it is a skinny health extenders package that generally extends some provisions in current law for only 6 months.

Shoring up Medicare from years of neglect under the Republican Congress and expanding the Children's Health Insurance Program to cover 10 million low-income children are top priorities for me and the New Democratic Majority in Congress. That is why the House approved the CHAMP Act of 2007 to eliminate the scheduled Medicare physician payment cuts for the next 2 years and expand the Children's Health Insurance Program to cover 10 million low-income children nationwide. The only reason that the legislation we approved in August to improve the Medicare and SCHIP programs has not been signed into law is because President Bush and his allies in Congress oppose it.

There are several provisions of importance back home that I wish to recognize. We were able to keep in the health extenders bill a moratorium on cuts to school-based Medicaid services that the Administration has proposed. We have included a 6-month extension of a wage-reclassification program in the Medicare program, and have provided funding to extend the Special Diabetes Program for research, treatment and prevention of diabetes through September 30, 2009.

Unfortunately, imperative improvements to the Medicare program have been dropped from the bill. Improvements approved in the House in August include mental health parity for seniors, making prevention more accessible by eliminating co-pays and deductibles for preventative services like mammograms and colonoscopy screenings, and expanding programs that help low-income seniors pay for their health care and prescription drugs.

The Children's Health Insurance expansion that has been dropped from the bill would have extended children's health insurance to enroll 6 million kids that are currently eligible for the program and not yet enrolled. That's in addition to the 6 million low-income children already receiving health care under the SCHIP program nationwide, including 55,000 kids in my home state of Michigan whose parents make between $20,535 and $41,300 a year.

I urge my colleagues to support the short-term extensions in the legislation before us today, and to join me in addressing long-needed reforms to Medicare and SCHIP in the new year.

Ms. WOOLSEY. Madam Speaker, I support S. 2499, the Medicare, Medicaid and SCHIP Extension Act of 2007. It's important that Congress pass this legislation today to ensure that our Nation's poorest children retain their health insurance and doctors who take care of our seniors on Medicare do not receive a 10 percent cut in reimbursements.

It's deeply disappointing that this bill doesn't address the issue of the Medicare physician geographic payment discrepancy that is faced by many areas in California and across the country. One of these areas is Sonoma County, in my District. This inconsistency has led to doctor's reimbursements being based upon their geographic location and not the true cost of providing services. Because of this discrepancy, doctors in Sonoma County receive a lower payment for the same services than doctors in next door Marin County and this discrepancy is causing doctors to leave Sonoma County. Congress needs to act to fix this discrepancy and ensure that physicians with Medicare patients can continue to afford to see their patients regardless of where their practice is located.

Because of the Republican led efforts, the bill only delays a real solution to the Medicare physician payment cuts that all doctors are facing. We can and must do better for our seniors. When the Medicare extension expires in June, we owe it to our seniors and physicians to replace it with a permanent fix to the physician payment cuts and payment discrepancies.

With this bill, the State Children's Health Insurance Program (SCHIP) will be extended and states will receive enough funding to keep all the children currently enrolled on SCHIP from being removed from the program. But, this bill doesn't help the millions more children whose families cannot afford health insurance and who should be covered under SCHIP. Earlier this year, Congress passed an SCHIP bill that would have given 4 million more children healthcare, for a total of 10 million children receiving healthcare on SCHIP. However, the Administration showed that its priorities are completely out of line with the rest of this country when it vetoed that legislation. We need to do better for our nation's children and provide all of them with the healthy start and security that SCHIP can provide.

I urge my colleagues to support this bill and look forward to working with them to provide a permanent solution to the Medicare physician payment issues and in ensuring that every child in America is insured.

Mr. LANGEVIN. Madam Speaker, I rise today to express my support for S. 2499, the Medicare, Medicaid and SCHIP Extension Act. This bill includes a number of provisions that are essential to the continued delivery of vital healthcare programs to our Nation's most vulnerable citizens.

This measure offers much-needed relief to physicians that serve our Medicare population by providing a 6-month suspension of the 10-percent cut in Medicare payments scheduled to occur on January 1, providing instead a modest increase of 0.5 percent. It also extends important incentive payment programs that provide a 5-percent bonus to physicians serving areas with a shortage of doctors, while ensuring that Medicare beneficiaries have continued access to therapy services through June 30, 2008.

Also included in this bill is a vital extension for the State Children's Health Insurance Program (SCHIP) through March 31, 2009. Currently, 24,900 Rhode Islanders are enrolled in

the SCHIP portion of Rhode Island's model RITE Care program. As a proud Representative of Rhode Island and a longtime supporter of SCHIP, I cannot stress enough how important this program is to the health and well-being of our children, expectant mothers and parents alike. Although this was not the outcome that I and many of my colleagues originally envisioned for SCHIP, this extension is crucial for States like Rhode Island that are facing tremendous budgetary shortfalls.

Madam Speaker, access to quality, affordable healthcare is integral to the prosperity of every American. While I am pleased that this Congress was able to reach a compromise to provide temporary relief for our country's most important safety net programs, I believe that we have the potential to do so much more. Health care providers that have pledged to continue serving the aging, disabled, and low-income citizens deserve more than stopgap measures and temporary relief. This Congress has an obligation to take meaningful action to reform and stabilize the Medicare provider payment system, as well as to ensure the continued strength and success of our Medicaid and SCHIP programs. To that end, I will continue to work in a bipartisan manner with my colleagues in an effort to guarantee that these issues are properly addressed in this and future Congresses.

Mr. ETHERIDGE. Madam Speaker, I rise in support of this legislation and the critical services provided by Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP). This legislation ensures continued access to our nation's health care system for our most vulnerable citizens—children, seniors, the poor, and the disabled. It also extends incentives that allow health care providers to maintain practices in rural areas. These federal efforts are critical to maintaining healthy and productive communities across the country, and particularly in North Carolina's 2nd District.

North Carolina's citizens are at risk when reimbursements to physicians fall below the cost of providing care, and doctors must shut their doors or turn away patients because they cannot afford to attend to them. North Carolina's citizens are at risk when children go without care, and untreated illnesses or foregone preventative care reduces the health and productivity of those who will build our future. North Carolina's citizens are at risk when Congress fails to act to preserve benefits that they depend on.

The health of Americans and the future health of America depend upon the availability of and access to health care. I applaud our leaders in the House and Senate for working in a bicameral, bipartisan manner to craft this legislation so that our doctors, hospitals, and other health care providers can continue their service to keep our citizens healthy.

This legislation improves physician quality and access by averting the planned 10 percent cut in physician payments and extending the Medicare physician quality reporting system. It continues Medicare policy that provides a measure of fairness to the payment system for rural providers so that they can continue providing valuable services to individuals in rural parts of the 2nd District and across the country. I am hopeful that when Congress returns in 2008, we make extending these provisions on a long-term basis a priority so that providers can plan to remain in our communities for the long-term.

As the only former State schools chief serving in Congress, my life's work has been to provide for a better future for the next generation, and health care is critically important to that effort. This legislation averts the threat that States will run out of funds for the State Children's Health Insurance Program, or SCHIP. North Carolina's Health Choice, which serves over 250,000 needy children, will now be able to plan enrollment for the next year, whereas without this legislation it would have run out of money next March. While I am disappointed that this legislation does not enable the coverage of additional children, we owe it to the children currently served by SCHIP to ensure that they are continuously covered and can get the health care they need when they need it. I look forward to working with my colleagues in the future to fulfill the vision of health access for all children.

Madam Speaker, a lack of access to health care has impact beyond the individual who suffers a sickness without treatment. Untreated illnesses have long-term consequences, and ensuring access to health care contributes to a healthy and productive society and heads off expensive treatments down the road. This legislation is necessary to keep providers in our communities, and I urge my colleagues to join me in supporting it.

Mr. SPACE. Madam Speaker, I rise today in support of the legislation before us that will help both seniors and children alike receive the health care that they deserve, and continue our national investment in combating chronic disease.

I am particularly pleased to see that the legislation includes an extension of the Special Diabetes Program, which affords critical research funding to research into type one diabetes. Every year, thousands of parents receive the tragic news that their child will have to bear the burden of juvenile diabetes. With this news comes the realities of a life permanently changed by a disease for which we currently have no cure.

As I have shared with the House before, I am one of these parents. Nearly a decade ago, my wife and I learned that my son Nick would have to face the challenge of type one diabetes. We have been blessed and fortunate that Nick has lived an active and normal life. His successes are in large part thanks to the insulin pump he wears and other innovations that help type one diabetes patients manage their disease.

While Nick and so many other children have been able to manage their disease, they still worry about their future. It is the obligation of Congress to work towards finding a cure. The Special Diabetes Program provides the guarantee of continued, groundbreaking research into this disease. The yields of this research hold unquestioned promise for a better future.

I am disappointed that the extension of the program prescribed in this legislation is only one year. An overwhelming bipartisan group of my colleague in both the House and Senate expressed support for a longer extension of the program. Unfortunately, those who carry the weight of type one diabetes were casualties of partisan warfare over other, unrelated issues.

I look forward to working with my colleagues next year to ensure a longer renewal of this legislation. Congress has an obligation to lead the charge against this disease. I know that we can meet this challenge if we work together.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

The question was taken.

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

Mr. 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 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1396) to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1396

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

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

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

The Chair recognizes the gentleman from California.

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

I want to thank all the Congress colleagues from Georgia, especially my Atlanta colleagues Mr. JOHNSON and Mr. LEWIS, and especially the Senator from Georgia, Senator ISAKSON, for making sure this is on the floor today.

The poor state of a lot of the infrastructure of the Veterans Affairs is well-known.

Through what we call the CARES process, the Capital Asset Realignment for Enhanced Services, the department found that the existing inpatient wards at the Atlanta VA Medical Center are far below community standards.

This renovation project will go a long way to address the American with Disabilities Act accessibility requirements, the needs of women veterans, particularly as they relate to privacy issues, and the improvements in efficient functional design.

These deficiency corrections are long overdue, and we think they will be met

here. These infrastructure improvements to utility systems will include the plumbing, electrical, fire and safety concerns on the inpatient floors.

With the ongoing conflicts in Afghanistan and Iraq, it is even more important that the VA is able to provide the best health care available in the most updated and modern facilities.

In fiscal year 2005, this project received $20.5 million, and S. 1396 provides the reauthorization of this project to move forward.

I urge my colleagues to support this bill, and I want to thank the ranking member, Mr. BUYER, for his cooperation. I know that he has great respect for the CARES process and would like to consider all of the facilities in one construction bill. We are pledged to do that early next year, but I think this is an obvious need at this moment, and I look forward to working with the ranking member to make sure we meet the needs of VA infrastructure across the whole country, and we intend to work together and do that early next year.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I also want to thank our committee chairman, Mr. FILNER, for working with me in a true bipartisan manner to expeditiously bring S. 1396 to the floor before we adjourn this year. I'd also like to thank the leadership of both parties for bringing this to the floor before we adjourn.

This bill would authorize $20.5 million for the Department of Veterans Affairs to carry out a major medical facility project to modernize patient wards at the VA Medical Center in Atlanta, Georgia.

The President's budget submission for VA for fiscal year 2008 identified this project as the Department's number one major construction authorization request. Without this authorization, the VA would be unable to move forward with this needed project to update and improve patient services for veterans at the Atlanta VA Medical Center.

I also want to thank Senator JOHNNY ISAKSON for his efforts to pass this legislation in the Senate, and for the efforts of Senator SAXBY CHAMBLISS, who I've also personally spoken with. Both of these Senators have an interest in this project. I'd also like to recognize my good friends, PHIL GINGREY and TOM PRICE, who both introduced a companion bill earlier this year, and for their work and advocacy on this legislation, to also include my colleagues NATHAN DEAL, JACK KINGSTON, JOHN LINDER and PAUL BROUN.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and I also want to thank Chairman FILNER and Mr. BUYER, Senators ISAKSON and CHAMBLISS, but also my Democratic colleagues. The chairman mentioned those, JOHN LEWIS, HANK JOHNSON, DAVID SCOTT and others, but TOM PRICE and I introduced this bill, H.R. 4143, many months ago, but we had unanimous support of the Georgia delegation on both sides of the aisle, and as we should, Madam Speaker, because this is the VA's number one priority for authorization in fiscal year 2008 veterans budget. So I am very pleased.

I know this is the 11th hour, but thank goodness, because of the leadership on both sides of the aisle and in both bodies, this is coming to fruition.

As Chairman FILNER pointed out, there are ADA requirement issues. There are patient privacy issues. There are female veterans issues. So this is a hugely important project, and I thank my colleagues for making this happen.

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

Mr. BUYER. Madam Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I thank my friend for yielding and for his leadership, and I want to thank the chairman as well for his leadership, commend my colleagues in the United States Senate, Senator ISAKSON and Senator CHAMBLISS, for their assistance on this as well, and thank my physician colleague from Georgia, Congressman GINGREY, for assisting in moving this forward, also.

As a physician, I clearly understand and appreciate the need for facility improvements at the facility in Decatur, in Atlanta, Georgia. I recognized that during my training, Madam Speaker, when I did some of my training at the VA hospital in Decatur, and that was nearly 30 years ago, so it's high time that we finally get around to providing the resources to improve the infrastructure within the VA facility in Atlanta, in Decatur.

I had the opportunity, Madam Speaker, to visit the VA hospital last week and delivered some Christmas cards, holiday cards to our veterans who were there, had a wonderful tour of the facility, and some of it had undergone significant refurbishment and improvement. Some of it had not.

There are many wonderful men and women who are working diligently there to provide the highest quality care for our veterans. That will be facilitated by the work that this bill will allow, and so I'm pleased to stand with my colleagues in support of this bill and urge its adoption.

Mr. FILNER. I'm prepared to yield back when the gentleman from Indiana yields back.

Mr. BUYER. Madam Speaker, I also would like to mention the work of LYNN WESTMORELAND, also of Georgia, and once again, I think the clashes over the years between Mr. FILNER and myself are legend.

We had a very good discussion yesterday. So I want all of our colleagues to know that Mr. FILNER and I sat down. We had a good lunch. We had very good substantive discussions about a way forward, and we've come to the floor with this bill in a bipartisan manner.

We both recognize as we go into next year that the construction bill will be one of the top priorities for both of us to work together. It is very unusual to sever any construction projects out of a bill. I don't care whether it's the MilCon bill or out of the VA construction bill; this is highly unusual what we're doing here today.

But Mr. FILNER and I are going to work together in a bipartisan manner for the greater interests of veterans in this country, and we're going to use this bill as a springboard to greater things.

In the end, I also want to reiterate my comments. Senators CHAMBLISS and ISAKSON are strong supporters of our men and women in uniform and our Nation's veterans during their distinguished careers both in the House and the Senate.

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

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1396.

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

There was no objection.

Mr. FILNER. Madam Speaker, again, I thank Mr. BUYER for his comments. Putting this bill on the floor as quickly as we did shows what can happen when we work together. I'm looking forward to that mutual discussion of priorities. We are pledged to deal with this aging infrastructure of the VA. It has got to be remedied as quickly as possible, and we're both committed to working to do that.

So I urge my colleagues to support S. 1396.

Mr. BROUN of Georgia. Madam Speaker, as a young man, I came to believe that it was simply my duty as a citizen to serve in our Nation's Armed Forces. So, it was just a natural thing for me to volunteer for service back in the early 60s. I joined the Marines, later also served as a medical officer in the Navy, and finally took a billet in the Georgia Air National Guard.

My military experiences, I believe, helped make me a better man. It certainly gave me an understanding of military life, and first-hand knowledge of the needs facing military personnel, military families, and our veterans. Those insights guide me as the Congressman for Georgia's 10th Congressional District.

The Federal Government must fulfill its promises to our veterans. We must give them the very best quality health care that is available anywhere in this country. It's important not only to the current veterans but also to the troops that are on active duty today, as well as the volunteers that we need to recruit to serve their country in the military.

As a medical student in Augusta, GA, and during my residency training, I worked in a number of VA hospitals. This experience gives me a unique perspective toward the veterans' needs, which most Members of Congress are not privileged to have. Consequently I have a tremendous desire to get the Federal Government to fulfill the promises it has broken to our

national heroes, the veterans. This bill is a step in that direction.

It is critical that the VA facilities in our Nation are modern, best equipped, and able to give the kind of care that our veterans deserve.

This bill will help to do that by giving veterans in Georgia and the Southeast a modem, up-to-date facility.

I am very sure that keeping the United States the freest Nation in the history of the world means that we must maintain the most powerful military on Earth.

As a member of Congress my priorities regarding military issues are these:

1. Provide our troops with the best training and the best technology.

2. Provide adequate compensation and benefits.

3. Do everything I can to help promote high morale and espirit de corps.

4. Support the spouses and children of military personnel.

5. Improve medical care for our wounded warriors and our veterans.

6. Keep the commitments made to our veterans regarding benefits.

I want to take just a moment of your time to provide you with an update on what I have done since I won the Special Election and was sworn into office last July:

1. Co-sponsored H.R. 3793 Veterans Guaranteed Bonus Act of 2007 requiring the secretary of Defense to continue to pay to a member of the armed forces who is retired or separated from the armed forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated.

2. Co-sponsored H.R. 1110 amending the Internal Revenue Code of 1986 to allow federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

3. Co-sponsored H. Res. 111 establishing a Select POW and MIA Affairs Committee.

4. Co-sponsored H.J. Res. 67 supporting a base defense budget that at the very minimum matches four percent of gross domestic product.

5. Co-sponsored H. Res. 784 recognizing and honoring, in community post offices, the service of men and women of the U.S. Armed Forces deployed overseas.

6. Co-sponsored H.R. 1808 designating the Department of Veterans Affairs Medical Center in Augusta, GA, as the 'Charlie Norwood Department of Veterans Affairs Medical Center.'

7. Supported and spoke in favor of this bill S. 1396 to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia

I encourage all of my colleagues to support this bill as well as any future bills that will give veterans the kind of health care they deserve.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 1396.

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

A motion to reconsider was laid on the table.

□ 1145

OFFICER JEREMY TODD CHARRON POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1896) to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1896

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

SECTION 1. OFFICER JEREMY TODD CHARRON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, shall be known and designated as the ''Officer Jeremy Todd Charron Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Officer Jeremy Todd Charron Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I join my colleague in the consideration of Senate 1896, legislation naming a postal facility in Hillsborough, New Hampshire, after the late Officer Jeremy Todd Charron. This measure was sponsored by Senator JOHN SUNUNU, Republican of New Hampshire, on July 30, 2007, and unanimously reported by our committee on October 23, 2007.

A member of the New Hampshire Police Department, Officer Charron died in the line of duty, gunned down while questioning two individuals. He passed away on August 24, 1997. Naming a postal facility after Officer Charron is a fitting way for the Hillsborough community to honor his memory.

Madam Speaker, I urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

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

Jeremy Todd Charron was a dedicated protector of both his State and country. An intense, goal-oriented young man, he aspired to be a marine since the second grade. After graduating high school, Jeremy fulfilled that dream and joined the Marine Corps, where he proudly served his country for 4 years.

After his enlistment term ended, Jeremy's passion to serve his community and protect others led him to join the Epsom Police Department with the goal of ultimately becoming a State trooper.

Tragically, on August 24, 2007, after attending two fellow officers' funerals, Jeremy was gunned down while questioning two suspicious individuals. Despite his fatal wounds, Jeremy fought back. He returned fire until he collapsed, forcing his killers to flee and steal a nearby truck that was identified by police and ultimately led to their capture.

Leadership was a trait of Jeremy's throughout his short life, whether on the soccer field or as high school class president. He was also known as someone who would defend those who were unable to defend themselves.

Jeremy Charron proved his dedication to honorably serving others, both in the military and as a law enforcement officer who ultimately sacrificed himself in order to keep his community safe.

On this, the 10th anniversary of the death of Jeremy, it would be fitting to name the Hillsborough, New Hampshire, postal facility in his honor. So I join my colleague from Illinois in asking all Members to support the naming of this post office to honor this American hero.

Mr. HODES. Madam Speaker, I am pleased to rise in support of S. 1896, which would designate the U.S. Post Office located at Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office." Officer Charron, " who died at the young age of 24, served the people of New Hampshire admirably, and this bill would be a fitting tribute to his courage and sacrifice to the Granite State.

Jeremy was a graduate of Hillsborough-Deering High School, where he was elected to be the president of his senior class. After graduating high school, he served in the United States Marine Corps from 1992 to 1996 and went on to attend the New Hampshire Police Academy.

Six weeks after graduating from the academy, in the early morning of August 24, 1997, Officer Charron noticed a suspicious car parked in Webster Park in Epsom. When the two people inside stepped out of the car, Officer Charron was fired upon three times, with one round entering his unprotected left side.

Although mortally wounded, Officer Charron was able to return fire. He struck the vehicle several times even as the car fled from the scene before succumbing to his wounds. The

suspects were later captured by local law enforcement, and the gunman later pled guilty to capital murder and was sentenced to life without the possibility of parole.

Officer Charron is survived by his parents, Robert and Frances, his two brothers; Robert and Andrew, and his two sisters; Amanda and Bethany.

Madam Speaker, every day police officers throughout New Hampshire and the nation don their uniforms and serve with honor and courage. I urge my colleagues to support S. 1896 today to help ensure that we don't forget the sacrifice made by this brave young man, a hero in New Hampshire and a true American hero.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1896.

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

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on the morning of December 18, 2007. If I were present for rollcall votes, I would have voted ''yea'' on each of the following bills: rollcall 1174, rollcall 1175, rollcall 1176, and rollcall 1177.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. Res. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–498) on the resolution (H. Res. 893) providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3996, TAX INCREASE PREVENTION ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–499) on the resolution (H. Res. 894) providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of December 19, 2007, providing for consideration or disposition of any of the following measures:

(1) A bill relating to the Children's Health Insurance Program, or an amendment thereto.

(2) A bill relating to Medicare, or an amendment thereto.

(3) A bill relating to the alternative minimum tax, or an amendment thereto.

(4) A joint resolution making further continuing appropriations for the fiscal year 2008, or an amendment thereto.

(5) The bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, or an amendment thereto.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Madam 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

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

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

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 876 waives a requirement of clause 6(a) of rule XIII. That rule, as you know, requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This will allow for the same-day consideration, today, of any resolution reported on or before the legislative day of December 19, 2007. It provides for the consideration or disposition of, one, a bill relating to the Children's Health Insurance Program and a bill relating to Medicare, something that at this point is moot in view of earlier proceedings today. But it also has an application on a bill relating to the alternative minimum tax; a joint resolution making further continuing appropriations for fiscal year 2008, the so-called CR; and the bill, H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, the so-called omnibus appropriations bill.

With passage of this rule, it allows the House to move one step closer to passing this omnibus appropriations bill that will fund the government outside of the Department of Defense. That, of course, we have already completed our work on and it has been signed into law by the President. And it will provide for funding for the entire fiscal year of 2008. It will also take us one step forward towards considering and passing a patch for the alternative minimum tax, which will affect, unnecessarily and unwisely, 23 million American families. They would be subject to paying a tax that was never intended for middle-class working families.

All of these bills, obviously, are crucially important pieces of legislation that Congress must act on before we go home, and we owe it, obviously, to the American people to get this work done.

The omnibus bill is going to reject enormous cuts that had been proposed by the President in his draft budget, cuts to essential domestic priorities such as health care, education, law enforcement, homeland security, highway infrastructure, and renewable energy programs. That omnibus bill instead does invest in crucial domestic priorities: medical research to study diseases like Alzheimer's, cancer, Parkinson's, and diabetes; health care access, including programs like the Community Health Centers that provide more access to health care to underinsured Americans. Small rural hospitals will be helped. Special education, teacher quality grants, afterschool programs, and Head Start; Pell Grants and other student aid programs; technical training at high schools and community colleges; State and local law enforcement for communities across the country; Homeland Security grants to help fight in the war on terror. This meets the guaranteed levels for higher infrastructure and adds funding to our Nation's bridges. It also provides funding for solar energy, wind energy, biofuels and energy efficiency with a careful blend of new scientific investments and conservation efforts.

This same-day rule will take us one step closer to completing our work this year.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. I want to thank the gentleman, my friend from Vermont, for yielding. And, Madam Speaker, I yield myself such time as I may consume.

''I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague the United States House of Representatives. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy no matter what your ideology, no matter what your party affiliation.''

Madam Speaker, those are not my words nor are they the words of my Republican colleague from the Rules Committee, Congressman LINCOLN DIAZ-BALART, who spoke these same words on the floor on Monday. They are not the words of my staff or some journalist who is covering the Democrat majority heavy-handed floor tactics. No. These are the clear and clever words of the gentleman from Massachusetts, our Rules Committee colleague, JIM MCGOVERN. He spoke these words on several occasions last year regarding what was then eloquently called ''martial law rule.''

I will also use this opportunity to point out another comment that the gentleman from Massachusetts made about martial law rules.

□ 1200

His quote is particularly interesting because it was given to each of us on this floor last year on December 6, just a month before the Democrats took control of the House of Representatives, well after the election. He spoke about how the Democrats proposed to run the House, which today stands in sharp contrast to what they are actually doing.

About 1 year ago, the gentleman from Massachusetts said, ''Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in the House. We must insist on full and fair debate on the issues that come before this body.''

Now, I and all of my Republican colleagues must ask, a year into the new Democrat majority, where is the openness and fairness that Mr. MCGOVERN spoke about? Where is the openness on the energy bill rule where over 90 amendments were prevented from being considered on the House floor, including a Republican substitute? Where was that openness when we considered SCHIP reauthorization and, what, we had a closed rule?

I can help my colleagues on the other side of the aisle to find out because I know exactly where it is; they left it off on the campaign trail. This, like their promises to disclose earmarks and to run the most ethical and open Congress in history, was an empty promise. It is an empty promise which is becoming more and more evident from the opening day of this new majority, when the Democrats wrote into the rules of the House closed rules for consideration of the first six bills that we were to take up, in effect, discharging the Rules Committee from its duties and setting a new partisan tone for this Congress. Not much has changed since then, Madam Speaker.

Lacking the courage of their convictions to change what they perceived to be problems with how Republicans ran the House, the Democrat remedy for changing unfair practices in the Rules Committee was to have no Rules Committee at all. And that trend of closing down the House to Members that started back then, sadly, continues to this day.

Madam Speaker, there is a better way to run this body. The truth is is that the American people expect and deserve better. That's why the 110th Congress must be different. I believe we must and we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body.

Oh, by the way, following the rules of the House of at least presenting a bill 24 hours before it comes to the House floor would be a great place to start, because I know it's on the Speaker's Web site saying that that's the way we should operate. We're still waiting.

Madam Speaker, a year ago at this time, despite the House passing all but one of our spending bills, Democrats were on the campaign trail railing against Republican leadership, calling it a ''do-nothing'' Congress. Well, if last year was a failure because of Congress' ability to get all but one appropriations bill to the President for his signature on time, then what does that mean that this year we should think about Democrats when Democrats have failed to get more than one to the President after holding back popular bipartisan bills like veterans funding for their own political partisan gamesmanship?

Madam Speaker, I agree with the Democrats of 2006, not the Democrats of 2007. So, I rise in opposition to this martial law rule.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, we have no additional speakers on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I think we've said enough. I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I thank my friend from Texas. And I will respond and close.

A couple of things. First, let's be focused on the fact that the rule that is going to be before the House really applies to two things: consideration of the alternative minimum tax and consideration of the omnibus appropriations bill. And the rule is being brought up for same day consideration in recognition of the fact that there has been enormous work on both sides on the AMT. There is nothing new. And, in fact, the AMT bill that will be brought before the House for consideration today corresponds with the view of the minority as to that being passed without pay-fors.

And secondly, the omnibus appropriations bill is bringing before the House appropriations that had been passed in 11 separate appropriations bills but have now been consolidated as a result of the inability of our friends in the Senate to pass those bills individually as we did here in the House. So, there is nothing new that is coming up before the Members of the House. It's just the convenience of being able to act today rather than wait until tomorrow.

Secondly, my friend from Texas made some assertions about the conduct of this House in application to the rules. You know, context is everything. The reality is that virtually every piece of legislation that has been brought before the floor has received bipartisan support. Many of the items that the gentleman mentioned in the ''Six for '06'' legislative agenda, student loan cost reduction, price negotiations for prescription drugs, the restoration of the PAYGO rule, these were passed with overwhelming support on the Democratic side and substantial support on the Republican side. When they got to the other body, the Senate has been using, frankly, politics of obstruction to stop virtually anything from being considered: the filibuster, the hold. Every device available procedurally to avoid taking up a ''yes'' or ''no'' vote on a question has been employed by the Senate. And there is a sense by many on our side that the criticism that my friend from Texas is making that we have not done as much as we should in Congress, despite the fact that we in the House have passed substantial legislation helping the bottom line for American families, has been an explicit strategy on the part of the other side to use every rule, every device, every procedural opportunity basically to thwart passage of legislation. And they have the full and complete support of the President of the United States in that effort, who stands behind the whole agenda with the veto pen.

And the President appears to many of us to be operating on a one-third-plus-one approach where, as long as he can get his veto sustained, he will be able to block passage of legislation the American people need and then accuse the Congress of not getting anything done. And I think most Americans see through that.

So, Madam Speaker, with the passage of this rule, the House will move towards adjournment for this year and

have an opportunity to pass the omnibus appropriations bill and the AMT fix.

I urge a ''yes'' vote on the previous question and the rule.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 893.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, H. Res. 893 provides for consideration of two measures, an amendment to the omnibus appropriations bill to provide funding for the wars in Iraq and Afghanistan and a continuing resolution. Each measure is debatable for 1 hour.

The continuing resolution is necessary to keep the government open and running while the omnibus bill is processed and sent to the White House for the President's signature.

Madam Speaker, while I have no problem with the rule that is before us, I cannot support the underlying funding for Iraq. The tens of billions in new money for the war in Iraq has no timetables for withdrawal, no limitations, no requirements that the Iraqi Government make progress towards reconciliation, no benchmarks, no conditionality, nothing. Madam Speaker, this is a blank check.

The new money in this bill represents one cave-in too many. It is an endorsement of George Bush's policy of endless war. It is stunning that so many have gone along for so long asking no questions, giving this President everything he wants.

After years of Bush ineptitude, how dare this Congress provide another blank check for this administration. No weapons of mass destruction, a constantly changing rationale for our occupation, benchmarks for the Iraqi Government that never get met, no democracy, no respect for human rights, no reconciliation, a government plagued with corruption, and no end in sight. All this, Madam Speaker, and some of my colleagues still say, ''stay the course.''

Our brave men and women in uniform have done their job. So many have sacrificed, and far too many have made the ultimate sacrifice. They have been successful in some areas of Iraq in quelling some of the violence, essentially providing the chance, the window of opportunity for the Iraqi Government to move ahead with efforts for reconciliation.

□ 1215

The response of the Iraqi Government has been to do nothing. No reconciliation.

Isn't our responsibility, as Members of Congress, to raise questions? Shouldn't we put pressure on the Iraqi Government to do more? And shouldn't we put pressure on our own government to not be such a cheap date? Don't we owe our soldiers whom we put in harm's way better than acquiescence to a Commander in Chief who is incapable of ever admitting error?

Madam Speaker, there is no military victory to be had in Iraq. To the extent that this awful situation becomes less awful depends on political progress, something the Maliki government doesn't want to do, and something our own leaders seem willing to keep putting off.

I want more, Madam Speaker, I expect more, for the sacrifice our troops have made. Quite frankly, the status quo is not worth one more American dollar or one more drop of American blood. I am sick to my stomach when I think of the hundreds of billions of dollars that we have already spent in Iraq while we nickel and dime our own people at home. None of this war is paid for. It is all borrowed money. It's all on the backs of our kids. It's all debt that is being bought up every day by China.

Madam Speaker, I long for the day when we have a President who will threaten a veto on a bill that fails to provide all our people with health care, or that fails to adequately fund education for our children. Instead, we have a White House that engages in blackmail tactics: Give me what I want on Iraq, with no strings attached, or I'll shut the government down.

Those who defend the status quo say that we need to give the President whatever he wants so we can assure ''victory.'' ''Victory'' at the beginning of this war was ridding Saddam Hussein of weapons of mass destruction. When we found that there were none, the definition of ''victory'' changed. In fact, over the last 5 years, the definition of ''victory'' has changed several times.

For me, the closest thing to victory is ending this war, getting an Iraqi Government that puts national reconciliation above its own self-interest and getting our troops out of that country and home to their families where they belong. I believe the surest way to get that type of victory is setting a firm timetable for the U.S. occupation of Iraq to end. It will change the dynamic, and it will force the Iraqi Government to embrace, rather than avoid, reconciliation.

In fact, in today's Washington Post, the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the U.S. military invasion of their country is the primary root of the violent differences among them and that the departure of ''occupying forces,'' their words, is the key to national reconciliation.

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to

leave, and a majority of the Iraqi Government want us to leave, and a majority of the American people want us to leave, then why on Earth are we staying?

Let me also state, Madam Speaker, what ''victory'' is not. It is not allowing this President to kick the ball down the field and dump this war on the next President of the United States. That is called ''passing the buck,'' and that is what we will be doing if we approve this new Iraq money.

One final observation. The war in Iraq has not only cost us dearly in terms of human life and treasure, it has also cost us in terms of our standing in the world. We have lost the support and the respect of so many who have looked to us as a force for what is good, decent and positive in world affairs. I warn my colleagues that our lost prestige and standing is also a threat to our national security. Madam Speaker, I want my country back.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, first I would like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time, and I yield myself such time as I may consume.

We are here 80 days into the new fiscal year, and one appropriations bill has been signed into law. Today, we are here to consider hopefully the last piece of the appropriations puzzle, as well as yet another continuing resolution before the omnibus appropriations bill is sent to the President.

What is so interesting about this process is that the omnibus bill that has finally come before the House in many ways is very similar to the proposals that the minority has advocated for months, and is very similar to what we predicted would, in fact, be the legislation that ultimately would become law. However, Madam Speaker, instead of working toward a compromise, a bipartisan resolution to this legislation, a bipartisan product, the majority decided to use the appropriations process to, in effect, score political points while funding for our troops in critical theaters of operation has been dangerously delayed.

Now, the underlying amendment we will consider today will finally help bring our appropriations process to a close, and it will do so in a fiscally responsible manner, funding the Federal Government and funding our troops in critical theaters of operation without preconditions and without strings. These funds will allow for the progress that we have recently seen to continue to take hold. It will allow for our men and women in uniform to continue to do their job as they have done so, so effectively, in fact, so heroically for so long.

I think commendation is due. I think congratulations is due to all who have worked on this process, and that congratulations I think is due to those on both sides of the aisle who have worked hard, have worked diligently, to come up with this final appropriations legislation work product that will fund the Federal Government for the next fiscal year, and especially, as I have said, will continue to fund in critical theaters of operation our men and women who are doing such an extraordinary job and who deserve our unrestricted support.

There are very important, very important endeavors, efforts and projects that are funded in this appropriations bill, in this omnibus appropriations bill. We cannot, I believe, emphasize sufficiently, especially at this critical time, our support and the continued need of our support for our great ally and friend, Israel, that lives in an area of the world that is extremely dangerous. And while we have the benefit of thousands of miles between, for example, the state sponsor of terrorism in Iran, the regime in Iran, Madam Speaker, while we have thousands of miles physically separating us from that state sponsor of terrorism, our friend and ally, Israel, does not. And so I have always felt very strongly about our need to support Israel. The fact that this appropriations legislation includes the support that it does for our friend and ally, Israel, is something that I think is very important. And there are many, many aspects of this legislation that we, on a bipartisan basis, can be very proud of. And we, I think, will have further opportunity to discuss them.

But today, I am told that there are some glitches that need to be worked out, and that the majority needs some time and the appropriators need some time on both sides of the aisle to work them out. So we will be hopefully seeing those glitches being resolved in the next minutes and hours.

As we wait for those glitches to be resolved, we are cognizant of the fact that we are finally bringing to the floor the rule that will allow for consideration of the final legislative product on the appropriations for this year.

With that in mind, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, if I can inquire if the gentleman from Florida has additional speakers.

I will reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. I would like, at this time, Madam Speaker, to yield such time as he may consume to the distinguished member of the Rules Committee, my friend, Mr. SESSIONS of Texas.

Mr. SESSIONS. I want to thank the gentleman from Florida, my friend, for yielding me the time.

Madam Speaker, we are here right now for the purpose of providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 2764. That is what we are here for. I will repeat that. We are here for providing for the consideration of the Senate amendment to the House amendment to the Senate amendment. It is rather confusing, not just to Members of Congress. It is confusing, I think, to the American people, also.

Madam Speaker, today, I would like to just read from the Calendar, Wednesday, December 19 on the back page, ''Status of Major Bills, First Session.'' Here is essentially what it says.

It says that Homeland Security appropriations was completed on June 8 in the House and July 26 in the Senate. Never sent to conference.

Energy and Water appropriations, July 17. Never completed by the Senate.

Military Construction and VA, June 15 in the House, September 6 in the Senate.

The new fiscal year has already started. This new Democrat majority has been sitting on these bills, including the VA, since September 6. And yet they are coming to the floor today just a week before Christmas terribly upset, terribly upset, and yet it says here, let me see if I got this right, sent to conference, these are all blanks. They didn't go to conference. The Speaker of the House and the Senate majority leader never had a conference. They didn't get together to try and work out the differences that they had. What they did is they let Members sit day after day after day.

Just 1 year and 75 days ago, when Republicans had completed all but one of these bills, we were called irresponsible and we couldn't do the people's business. And yet here we are, 1 year later plus 75 days, and only one of the bills has made it to the President. I could keep going. Financial Services and General Government; Labor, Health, Human Services and Education.

My gosh, what is happening?

□ 1230

What is happening to this House of Representatives and the United States Congress? What is happening is that I believe we had what I would consider to be false hopes and promises that were established in the first place about all these problems that were going to go away. Just give our good friends, the Democrats, that ability to hold the House and Senate, and they will do it. But, Madam Speaker, they didn't even get the work done between themselves, forget blaming things on the President of the United States or Republicans. They couldn't even appoint their own conferees. They couldn't even do their own work.

Today, we sit here and listen to all the things that are still wrong and about how Republicans have stood in the way and been obstructionists. That is not the facts of the case. The facts of the case are all these bills that I have talked about were never even sent to a conference, and today, the reason why we are still talking is because allegedly there is a glitch, a glitch, because the negotiations between the majority in the House and the majority in the Senate couldn't get it right. Well, if you do things in the dark, if you do things where nobody else is involved, that is

what you get. I am told it's a $70 billion mistake.

I just don't understand why business is done this way, when 1 year ago we had all but one bill done before the election. All but one. If you systematically go through a process and work through the bills in the light of day, where the information is posted on the Web site, where you give people time to read the bill, I think a better result happens.

I think it's deceptive. I think it's deceptive to say that this House would be the most honest, open, and ethical Congress in the history, when there was no attempt from the very beginning to even live up to that.

So here we are, just a few days before Christmas, still burning time, trying to burn time, because we know that the negotiators have to fix the problems, and that is a real problem to this House, and I think it is to the American people.

Madam Speaker, I would like to take just a few minutes to say this. The Republican Party congratulates our colleagues and all of us today for presumably ending what we are doing, and I am pleased to say that it was a victory for the taxpayers because we are not going to increase taxes, as our good friends the Democrats wanted to do and have bemoaned all week long about not getting that massive tax increase.

We are going to go and make sure in SCHIP that we don't take 2 million children from their own private insurance to a government-run program that is still overburdened. We are going to make sure that we don't do, I think, bad things in dealing with our ability to find terrorists with the FISA bill.

So it's a great victory today for the taxpayer, for the people who want to protect this country, because what has prevailed is what we said should happen, and that is that the Republican minority kept after this process to make sure that the taxpayers don't lose on this last day before we leave before Christmas, and we are going to stay after that because we believe we are doing the right thing.

I am proud of what we will accomplish here today if we can find this $70 billion mistake that has happened and we can close the books on the year and know we went home with no further damage.

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

First, let me just respond to the gentleman from Texas by saying he is entitled to his own opinions, but he is not entitled to make up the facts. The facts are that the difference between this Congress under the Democratic majority and under the previous Congress under the Republican majority is they left Washington before their work was done. They kicked all their work onto the Democratic Congress that was elected last November. They didn't do their job. If the Congress could be sued for malpractice, they would have been sued for malpractice.

The bills that we are dealing with today the House of Representatives passed in a timely manner, all of the appropriations bills, as we were supposed to do. We did it, and they were good bills, and I commend Chairman OBEY for his work on those bills. We did that in spite of all the obstructionism and resistance from the Republicans in this House.

Unfortunately, because of the Senate rules, an individual Member, and in the case of the Senate, the Senate minority leader, was successful in slowing down the process and preventing conference committees from meeting and preventing the Senate from considering certain bills. Now they can be proud of that. That is just obstructionism. That is not doing the people's business. But the bottom line is that we are here today dealing with an omnibus appropriations bill to get the people's business done; not to kick the ball down the field and dump it on next year's Congress. It is to do it now.

One other thing, Madam Speaker, and that is one of the major differences with the new Democratic majority is that we have helped undo some of the damage that the Republicans have done to domestic spending over the years. Because of the Democratic majority and our ability to reorder priority, education is better off today than it would be if the Republicans were in control. Medical research, there is more money for medical research to find lifesaving drugs and to find cures to disease because the Democrats made that a priority, over the Republican objections. Our veterans are getting a better deal today. Under the Democratic majority, there is the largest single-year increase in veterans health in the history of the Veterans Administration. Those are the things that we have done.

Today, we are considering a Senate addition to what we did in the House, which I have an objection to, and that is the funding for the war in Iraq. The Republicans, while they were in control, gave the President a blank check; no accountability, no questions asked, nothing. And here we are, the fifth year into this war, with no end in sight, and there are some of us who believe the time has come to call the President to account, to start the process of bringing our troops home so they can be reunited with their families.

So there's a huge difference between the Democrats and the Republicans.

Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from North Carolina, Mr. ETHERIDGE.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of this rule and the omnibus appropriations bill. Finally, some good news from Washington. I am very pleased that the House has scheduled to vote on the disaster assistance package to provide relief to our farmers suffering from a record drought and record heat in the Southeast. My farmers are hurting. This omnibus appropriations bill will provide some $600 million for disaster assistance.

My congressional district in North Carolina has been affected by what is called ''exceptional drought.'' That is the most serious category that you can have. This aid will bring real relief to our rural communities. I have been proud to lead the charge on this effort. In September, I wrote a bipartisan letter to the President, signed by 54 of my colleagues from both political parties, to make the case for drought relief.

I have been very pleased to be able to work with Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Ag Chair PETERSON, and Appropriations Chairman OBEY to get this done. I want to thank them for their critical help. This is important to rural America. I also want to thank the Governor of North Carolina, Mike Easley, for his leadership.

Madam Speaker, I grew up in Johnston County and lived in farm country all my life. As a senior member of the House Ag Committee, I am also pleased that we have finally gotten this football to the end zone. This disaster assistance and the other things in this bill are a major achievement, and it's an important step forward, especially for America's farmers and the consumers of this country.

I urge my colleagues to join me in voting for it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5½ minutes to the gentleman from Arizona, Mr. FLAKE.

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I oppose this rule that will allow this omnibus to be brought to the floor. We had some discussion yesterday, and it should continue today, about the over 9,000 earmarks that are in this bill. It was mentioned by the majority leader yesterday, or the day before. He said, ''Having said that,'' in justification for bringing this bill forward, when it was pointed out that many of these earmarks had been brought to the floor for the first time with this bill, he said, ''this bill incorporates all of the bills that passed this House. This is not as if these are items of first impression. These are bills that we considered in this House and passed with essentially overwhelming bipartisan votes.''

That is only partly true. Yes, these bills, many of them were brought to the House before. A few of them left the House earmark-free. One of them, the Department of Homeland Security bill, we were told we can let this one go and not have the earmarks added because it isn't traditionally earmarked. Guess what? There are more than 100 earmarks that have now been airdropped into that bill. We are sitting today with hundreds, literally hundreds of earmarks that have been airdropped into the bill that we have never seen before yesterday. Never seen before yesterday, or Monday, I should say. That is simply wrong.

Let me give you just a couple of examples. There was $1.6 million for the City of Bastrop, Louisiana. According to the Bastrop Daily Enterprise, ''The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700 to $800, however, so $1.6 million would appear to be overkill.'' Police Chief Curtis Stephenson agrees, conceding, ''There's no way we need that kind of money just to put all our people in vests.'' Again, this was an earmark for bulletproof vests for the police officers in this city, and the city comes back and says, We don't have that many police officers.

We are told that these earmarks are vetted. How are they vetted? The answer is they are really not. They are not vetted by that party; they aren't vetted by this party. It's more of a game of ''Can you catch me with my hand in the cookie jar or not?''

Earlier this year, when I was challenging a couple of earmarks on the floor, one Member who had one of the earmarks I was going to challenge beat me to the floor to withdraw his own earmark because he didn't want the scrutiny that would come if that earmark were publicly debated. Later that same week, the Appropriations Committee, when they found out certain other earmarks might be challenged on the floor, called the Rules Committee and struck some other earmarks that were to be debated on the House floor because they couldn't withstand the scrutiny. That isn't vetting. That is hoping that your hand isn't caught in the cookie jar.

Now we have this bill today with over 9,000 of these earmarks. Now, the majority will say, Hey, that is a 17 percent reduction in the number of earmarks in our worst year. Put another way, that's like saying, You know, last year I smoked five packs a day and I am down to three this year. I darn-well quit. That is hardly something to pat ourselves on the back about.

Put another way, we have just 17 percent fewer earmarks than the worst year in congressional history for earmarking. Please don't use this side of the aisle as a bar with which to judge yourselves. That is a bar that a snake could crawl over. We didn't handle ourselves well in the majority with regard to earmarks. That is one of the big reasons we find ourselves in the minority today. But when the new majority came into power in January of this year, we were told that we would have transparency, that we would have names next to earmarks, that there would be time to actually discuss these earmarks and debate them, that if there were earmarks air-dropped into a bill, there would be an opportunity to strike all earmarks, at least one vote.

We don't have that today because this isn't a conference report. You simply have to change the name of the bill that is coming to the floor and you obviate your obligation to live by your own rules. That is simply not right. It's nothing that we should be proud of.

I mentioned earlier on the floor today that an astute Member of Congress told me yesterday one of the toughest parts of being a Member of Congress is to remember what we should be outraged about. I would submit that this is something that we should be outraged about, but we are not. We blithely pass it as if this is standard business. It shouldn't be. It shouldn't have been for us when we were in the majority, and it shouldn't be for the new majority.

It was in a press report yesterday that some Members were upset, I think justifiably, that there seemed to be just a few Members getting all the earmarks. They mentioned in the press article that a lot of the earmarks are going to the vulnerable Members instead of to the established Members in their district.

I would say that that is something I think outside of the Beltway people say that is just wrong, for money to go to Members just to be re-elected. But here, unfortunately, we see that and say, Hey, that is one of the noblest purposes we have seen for earmarks. Usually they're tied to campaign contributions or something else.

We need a moratorium on earmarks. We should pass a CR rather than this omnibus and go into next year without these 9,000 earmarks.

□ 1245

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2007, at 11:42 p.m.:

Senate concurred in House amendment No. (2) with an amendment H.R. 2764.

Senate concurred in House amendment No. (1) H.R. 2764.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary be directed to request the House to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. MCGOVERN. Madam Speaker, I yield 4 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. I thank the distinguished gentleman from Massachusetts.

As I stand here, I am looking at the lights in this Chamber and I must say to my colleagues that they are very bright. Symbolically, then, as we stand here on the floor of the House, we should be transparent, the lights should be on, and we should tell the truth. And so it is important for me to just hold up a summary of the works of the Democrats who worked without ceasing to reestablish priorities so that the maligned omnibus bill that my good friends on the other side of the aisle are talking about all the bad things, really, they are not shedding the light on the truth. Let me share with you simply what we have tried to do in the midst of opposition and obstructionism.

I wish the administration would have collaborated with us, but we fought hard. And so out of this work comes increased medical research, $607 million for Alzheimer's and Parkinson's disease and diabetes, which hits the 18th Congressional District in insurmountable numbers.

Health care of $1 billion above the President's request that will focus resources in St. Joseph's Hospital and Doctors Hospital and potentially community health clinics that have worked on, like the Martin Luther King Community Health Clinic which needs additional dollars because of the increasing numbers of health problems in my congressional district. In K–12, my congressional district has the highest percentage of those students on title I in the State of Texas, and we have been able to increase that by $767 million.

In addition, I went to the University of Houston to talk to those students who were standing in throngs asking about college aid, and I made a promise to them that we would not abandon their opportunity for their future and their desires and their dreams. And so this bill gives $1.7 billion above the

President's request for Pell Grants and other student aid programs.

There is a surge in crime wherever you go. The violence in Omaha in the mall; the violence dealing with the church and mission school out west. We now have 20 extra million dollars for Cops on the Beat.

And then, of course, the tragedy of falling bridges, an inventory in my own district that suggested the falling bridges. We have increased dollars for that.

I am very glad that there is moneys in here for the Texas Southern University lab for domestic violence in the City of Houston, but I am disappointed, Madam Speaker, because we have fallen on the job. And because most of America wants our troops home, now we have money for Iraq in this bill.

We have a crisis. I sat in a hearing today to listen to a woman violated, abused, sexually violated in Iraq. No control. Recklessness going on. I went down the hall to another hearing, and members or representatives of the Iraqi Parliament said, how dare the United Nations cast a vote for more troops to be in Iraq without consulting with this new democratic government.

We need to bring the troops home. Our troops deserve honor. I have authored a bill, the Military Success Act of 2007, that says the troops have done everything they have been asked to do. Give them their honor, give them their awards, have a proclamation celebrating their heroism. But the troops need to come home. And this bill does not need to be filled with Iraqi money, because the American people, over 60 percent, have said, we are done, we are finished. We have committed the greatest sacrifice, our children, our husbands, our wives, our grandmothers, our grandfathers, our family members. We have said that we have done everything that we have been asked to do by the 2002 resolution, of which I voted against. It is now finished. It is over. The troops need to come home.

So, Madam Speaker, I think it is important that we acknowledge this bill and the work that we have tried to do. But, sadly, this bill needs to fall because of the Iraq dollars.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Yesterday's Senate vote for another blank check to President Bush for the Iraq war was as wrongheaded as the Senate's original 2002 blessing for that invasion, despite the strong opposition of most House Democrats.

Of course the Iraq surge has worked. Not the surge in Iraq. That surge has failed miserably, failed to achieve any of the political objectives, the benchmarks that the President set himself. No. The only surge that has worked is the propaganda surge here in Washington. Hemorrhaging more dollars and more blood into the sands of Iraq is not a formula for achieving success.

The taxpayers' price for Iraq is $3 billion every week of every month of the year. Take all the money that is used to research and seek a cure for cancer at the National Institute for Cancer, that is how much money we spend in Iraq in 2 weeks. But whether deaths are up or deaths are down, ''the Administration's consistent response is the troops cannot come home.''

We need to learn from the courage displayed by our troops. My colleagues in this House need to learn from that courage and vote to limit any more funding in this war to a fully funded, safe, redeployment from Iraq that begins today.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

FURTHER MESSAGE FROM THE SENATE

The SPEAKER pro tempore. The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

In the Senate of the United States, December 19, 2007.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) entitled ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate for the return of the papers on H.R. 2764 is agreed to.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the House of Representatives amendment numbered 1 to the Senate amendment to the bill (H.R. 2764) ''An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.''

Resolved further, That the Senate agrees to amendment numbered 2 of the House of Representatives with an amendment to the aforesaid bill.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 863

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 ''Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007''.

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1040. Fraud in connection with major disaster or emergency benefits

''(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

''(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

''(b) A circumstance described in this subsection is any instance where—

''(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

''(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

''(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

''(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

''1040. Fraud in connection with major disaster or emergency benefits.''.

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized,

transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: ''occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or'' after ''If the violation''.

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Members of the Congress, this important legislation strengthens Federal criminal prohibitions against fraudulent misuse of emergency and disaster relief funds. It passed the Senate earlier this month without opposition. It is a good bill, and one that the House should support.

Reports of fraud surfaced almost immediately after the Federal Emergency Management Agency began distributing funds Congress had appropriated for disaster aid to victims of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. These reports included allegations that funds had been misused to purchase luxury goods, that noneligible persons had applied for and received benefits, and that criminals had established phony Katrina-related Web sites to swindle those who wished to contribute to legitimate disaster assistance efforts.

Last year, the GAO reported that it had identified numerous instances of fraud in connection with Katrina and Rita disaster relief. Although the total amount of cost of these fraud schemes is not yet known, the GAO estimates that it will certainly be in the amounts of billions of dollars.

Despite diligent efforts by Federal law enforcement agencies to prosecute these schemes, current criminal laws are not adequate to the task. The Emergency and Disaster Assistance Fraud Penalty Enhancement Act addresses that shortcoming in several respects.

The bill creates a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster relief benefit as to both Federal assistance and private charitable giving, with fines up to $250,000 for an individual, and up to $500,000 for an organization, and prison terms up to 30 years. The bill also increases prison terms for engaging in mail or wire fraud in connection with emergency or disaster relief to the same levels as currently apply in cases involving bank fraud.

The bill also directs the Sentencing Commission to revise its sentencing guidelines for fraud or theft in connection with a major disaster emergency declaration in light of the new statutory changes.

It is a bipartisan measure, and will help ensure that disaster assistance funds are received by their intended recipients and used for their intended purposes. I am proud of the work that the Judiciary Committee has done on both sides of the aisle in this matter, and particularly commend the gentleman from Ohio (Mr. CHABOT) in his management of this legislation.

I reserve the balance of my time.

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

I rise in strong support of S. 863, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, and I want to thank and commend the gentleman from Michigan (Mr. CONYERS) for his leadership on this bill as well.

In January of this year, I introduced a companion bill, H.R. 846, that would create a new criminal offense and enhance current Federal penalties for fraud associated with major disasters and emergency benefits.

Madam Speaker, August 29, 2005 was a day that this country will never forget. The images of destroyed homes, neighborhoods, communities, displaced families and friends, and lives literally torn apart by Hurricane Katrina especially will not easily fade from our memories.

The devastation in the gulf coast region reminds us of a tragedy that we would expect to see in Third World countries, not in our country, and particularly not in regions known for their history and their character.

Since Hurricanes Katrina, Rita, and Wilma devastated the gulf coast more than 2 years ago, Congress has provided more than $117 billion in relief to the region, including reconstruction efforts, medical services, human services, including funds for unemployment and housing assistance, crisis counseling, and various other needs of the victims. In addition, charities like the Red Cross and Salvation Army have contributed several billion dollars more to the effort, and many, many volunteers contributed their time.

□ 1300

To no one's surprise, almost immediately after FEMA and private charities began administering funds to victims, reports of fraud began to surface, such as noneligible persons filing false claims for benefits, and the creation of phony Katrina-related Web sites designed to exploit those who wished to make legitimate disaster relief contributions.

More elaborate and organized schemes have also come to light, including a group in Bakersfield, California, which conspired with employees of a Red Cross call center to defraud the charity by obtaining false claims information in order to collect assistance payments through Western Union. These scams don't just affect disaster victims, but the charities, donors and taxpayers who provide this assistance.

Federal law enforcement officials, including the Department of Justice, responded to the problem. In September 2005, the Hurricane Katrina Fraud Task Force was formed to mobilize the resources of the Federal Government, including Department of Justice, Homeland Security, Treasury, the FBI, FDC

and other Federal partners, as well as representatives of State and local law enforcement.

Since its formation in 2005, the task force has assisted 41 United States Attorneys to prosecute more than 768 people to date. In addition, the Task Force Joint Command Center in Baton Rouge, Louisiana, continues to receive more than 700 calls each month through its nationwide hotline and has screened and referred more than 14,000 leads to law enforcement agencies and field offices across the country.

Yet, despite these efforts, it is clear that current criminal penalties are insufficient to deter disaster fraud. For example, in the U.S. Attorneys Office for the Middle District of Louisiana alone, 128 individuals have been charged with hurricane-related fraud.

S. 863 would strengthen Federal law enforcement's ability to combat and deter those who would otherwise attempt to exploit another's tragedy, preventing assistance from going to those who truly need it. How? Well, first this legislation creates a new specific criminal penalty to prohibit fraud in connection with any emergency or disaster benefit, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mails, or is something of value. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statutes to add emergency or disaster benefits fraud to the 30-year enhanced penalties in those statutes. Currently, the 30-year enhancement is reserved only for financial institutions fraud.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to the Judiciary Committee of both the House and the Senate.

The Emergency and Disaster Assistance Fraud Penalty Enhancement Act unanimously passed the House back in the 109th Congress. Tough penalties for criminals who prey on innocent disaster victims are long overdue. I urge my colleagues to support S. 863.

I once again thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2 minutes to the indefatigable member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the full committee. Through his leadership, we have had a number, huge numbers of solutions being put forward, and I thank him so very much for serving the American people as he has done. Let me thank the gentleman from Ohio (Mr. CHABOT) for his leadership and share some real life stories.

Madam Speaker, I lived through Hurricane Katrina and Rita and spent a good number of my days in New Orleans visiting not only with the victims of Hurricane Katrina, but also subsequently in Texas visiting with those impacted by Hurricane Rita. I also engaged extensively with small contractors and workers who indicated that in addition to trying to put themselves forward to do the best work on behalf of the victims, they were victimized. And the victims were victimized over and over again: fraudulent work being done, contracts being signed, moneys being promised, and nothing happening.

This bill will set the record straight. Not only does it send a message in times of disaster to those who come rushing in to try and provide, if you will, the saving flag or the saving grace, but hopefully it will send a message to local jurisdictions that they must have enormous oversight in ensuring that they are not subjected to criminal penalties.

As a member of the Homeland Security Committee, let me also acknowledge Chairman THOMPSON. In the early days after Hurricane Katrina, we had oversight hearings over the abuses that were occurring, the lack of oversight by FEMA. I went into some of the sites, if you will, where individuals were being signed up for work or benefits. But the aftermath of it was what the shame was. How people were not given the benefits they were promised, how contractors did not fulfill their duties, and how local jurisdictions were made to pay enormous prices to large contractors, and yet local small businesses, minority-owned businesses and women-owned businesses could not get business and could not be paid. Even today, there are small contractors who are waiting still to be paid.

I rise to support this legislation, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. It is long overdue.

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

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 863.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Ms. JACKSON-LEE of Texas (during S. 863 debate). Madam Speaker, I ask unanimous consent to remove my name from H.R. 1582.

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

There was no objection.

AMENDING COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

''(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

''(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

''(1) Magistrate judges appointed under section 631 of title 28, United States Code.

''(2) Magistrate judges retired under section 377 of title 28, United States Code.

''(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this concurrent resolution.

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

There was no objection.

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

Madam Speaker, this concurrent resolution enables us to agree with the Senate on H.R. 660, the Court Security Improvement Act, and send that important bill to the President by correcting a PAYGO problem in the version of H.R. 660 that the Senate passed on Monday.

The Senate passed this concurrent resolution last night. When we pass it now, it will have the effect of removing

the problematic provision from the Senate amendment to H.R. 660. We will next turn to final passage of H.R. 660, and it will be sent to the President stripped of that provision.

I pause now to personally commend the gentleman from Texas (Mr. GOHMERT) for the wonderful job that he has done in helping us work out the matters that needed final adjustment.

I urge our Members to support this concurrent resolution so we can send this much-needed legislation on its way to final enactment.

I reserve the balance of my time.

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

Madam Speaker, I rise in support of S. Con. Res. 62 to correct the enrollment of H.R. 660, the Court Security Improvement Act of 2007. I would also like to commend the Speaker, and through the Speaker, our chairman. I assume you are the people responsible for the added heat in the room today. I presume that is to help light a fire under the majority to help get the business done today, and I applaud that.

Madam Speaker, today the House will consider H.R. 660, a bill to improve court security and ensure the safety of those who dedicate their lives to America's judicial system, as well as to the safety of millions of Americans who visit our courthouses every day.

This concurrent resolution substitutes section 502 of H.R. 660 to make a technical correction to the bill and allow the House to move forward in order to consider the important bipartisan legislation. I urge my colleagues to adopt this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I urge my colleagues to support the resolution as well, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 62.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Court Security Improvement Act of 2007''.

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

''(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

''The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.''.

SEC. 102. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking ''and the Court of International Trade'' and inserting '', the Court of International Trade, and the United States Tax Court, as provided by law''.

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting ''and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding. The United States Marshals Service retains final authority regarding security requirements for the Tax Court.''.

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service $20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary, assistant United States attorneys, and other attorneys employed by the Federal Government; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 104. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking ''2009'' each place it appears and inserting ''2011''.

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

''§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

''Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

''1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.''.

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

''§ 119. Protection of individuals performing certain official duties

''(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

''(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

''(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

''(2) the term 'covered person' means—

''(A) an individual designated in section 1114;

''(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

''(C) an informant or witness in a Federal criminal investigation or prosecution; or

''(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

''(3) the term 'crime of violence' has the meaning given the term in section 16; and

''(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''119. Protection of individuals performing certain official duties.''.

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting ''or other dangerous weapon'' after ''firearm''.

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

''(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.''.

SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by amending subparagraph (A) to reads as follows:

''(A) in the case of a killing, the punishment provided in sections 1111 and 1112;'';

(B) in the matter following clause (ii) of subparagraph (B) by striking ''20 years'' and inserting ''30 years''; and

(C) in subparagraph (C), by striking ''10 years'' and inserting ''20 years'';

(2) in subsection (b), by striking ''ten years'' and inserting ''20 years''; and

(3) in subsection (d), by striking ''one year'' and inserting ''3 years''.

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after ''probation''; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking ''20 years'' and inserting ''30 years'';

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after ''probation''; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking ''ten years'' and inserting ''20 years''; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code, is amended—

(1) by striking ''ten years'' and inserting ''15 years''; and

(2) by striking ''six years'' and inserting ''8 years''.

SEC. 208. ASSAULT PENALTIES.

(a) IN GENERAL.—Section 115(b) of title 18, United States Code, is amended by striking ''(1)'' and all that follows through the end of paragraph (1) and inserting the following: ''(1) The punishment for an assault in violation of this section is—

''(A) a fine under this title; and

''(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

''(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

''(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

''(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.''.

(b) CONFORMING AMENDMENT.—Section 111(a) of title 18, United States Code, is amended by striking ''in all other cases'' and inserting ''where such acts involve physical contact with the victim of that assault or the intent to commit another felony''.

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

''SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.''.

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) grants to State courts to improve security for State and local court systems.''; and

(2) in subsection (b), by adding at the end the following:

''Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.''.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking ''80'' and inserting ''70'';

(2) by striking ''and 10'' and inserting ''10''; and

(3) by inserting before the period the following: '', and 10 percent for section 515(a)(4)''.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting ''and State and local court officers'' after ''tribal law enforcement officers''; and

(2) in subsection (b)(1), by inserting ''State or local court,'' after ''government,''.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent

criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

''(f) The Commission may—

''(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

''(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

''(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).''.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after ''hold office during good behavior,'' the following: ''magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),''.

(b) BANKRUPTCY JUDGES.—

(1) IN GENERAL.—The Director of the Administrative Office of the United States Courts, upon authorization by the Judicial Conference of the United States and subject to the availability of appropriations, shall pay on behalf of bankruptcy judges appointed under section 152 of title 28, United States Code, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments.

(2) IMPLEMENTATION.—Any payment authorized by the Judicial Conference of the United States under paragraph (1) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of that authorization.

(c) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 152 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a district judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, having performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on that court would perform in 6 months, and having elected to exercise such powers, shall have the powers of a judge of that court to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: ''Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.''.

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking ''and'' after ''fiscal year 2002,''; and

(2) by inserting '', and $10,000,000 for each of fiscal years 2008 through 2012'' before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking ''12'' and inserting ''11''; and

(2) in the item relating to the Ninth Circuit, by striking ''28'' and inserting ''29''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) shall take effect on January 21, 2009.

SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND REPORT.

(a) STUDY REQUIRED.—The Director of the National Institute of Justice (referred to in this section as the ''Director'') shall conduct a study to determine and compile the collateral consequences of convictions for criminal offenses in the United States, each of the 50 States, each territory of the United States, and the District of Columbia.

(b) ACTIVITIES UNDER STUDY.—In conducting the study under subsection (a), the Director shall identify any provision in the Constitution, statutes, or administrative rules of each jurisdiction described in that subsection that imposes collateral sanctions or authorizes the imposition of disqualifications, and any provision that may afford relief from such collateral sanctions and disqualifications.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report on the activities carried out under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a compilation of citations, text, and short descriptions of any provision identified under subsection (b).

(3) DISTRIBUTION.—The report submitted under paragraph (1) shall be distributed to the legislature and chief executive of each of the 50 States, each territory of the United States, and the District of Columbia.

(d) DEFINITIONS.—In this section:

(1) COLLATERAL CONSEQUENCE.—The term ''collateral consequence'' means a collateral sanction or a disqualification.

(2) COLLATERAL SANCTION.—The term ''collateral sanction''—

(A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual's conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and

(B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

(3) DISQUALIFICATION.—The term ''disqualification'' means a penalty, disability, or disadvantage, however denominated, that an administrative agency, official, or a court in a civil proceeding is authorized, but not required, to impose on an individual convicted of a felony, misdemeanor, or other offense on grounds relating to the conviction.

SEC. 511. TECHNICAL AMENDMENT.

Section 2255 of title 28, United States Code, is amended by designating the 8 undesignated paragraphs as subsections (a) through (h), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, this is important legislation passed in the House on a strong bipartisan basis to improve the security of Federal judges, other Federal court officers, and their families. It allows judges to redact from their public disclosure forms personal information about their families that could be used to harm them. It provides increased funding for judicial protective services furnished by the United States Marshals and for Federal witness protection programs. It prohibits publishing of personal information about a judge, law enforcement officer or witness with the intent to cause harassment, intimidation or a crime of violence.

It enhances prison terms for assaults and other violent acts with intent to intimidate or interfere with judges and other Federal officers in performance of their official duties.

The House passed this bill in July by voice vote under suspension. The Senate has now passed it with an amendment that makes a few refinements, all of which should be acceptable to the House. It takes a slightly different approach to the enhanced prison terms for assaults and violent acts against judges and other Federal officers.

This legislation has been years in the making, and we are now finally able to send it to the President.

I thank the members of the Judiciary Committee, which I am proud to be the chairman of, but particularly Judge LOUIE GOHMERT, the new ranking member of the Crime Subcommittee, who introduced this bill originally in a previous Congress. I also send out congratulations to the chairman of the Crime Subcommittee of the Judiciary Committee, BOBBY SCOTT of Virginia, and committee members RANDY FORBES of Virginia and ANTHONY WEINER of New York. I strongly urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 660, the Court Security Improvement Act of 2007, and I would like to commend the chairman of the Judiciary Committee, Chairman CONYERS. We do disagree on issues often enough, but he is the consummate gentleman, he is the consummate chairman, and I have always found him to be fair, and appreciate his effort and his work in pushing this bill to make it become law.

□ 1315

This legislation then is truly bipartisan. It is bicameral. And it is to improve the security of those who administer our justice system, as well as those it serves, such as witnesses, victims and their families.

Just this week the Senate approved this legislation, making several improvements to the bill. In recent years we've seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, and courthouse employees. It is critical that we address this violence in order to preserve the integrity of and public confidence in our justice system.

As I explain to litigants in my courtroom as a judge, it may be that the courtroom ends up being the last bastion of civility in America, but we will have civility in our courtroom. There will be no violence. Everyone will come in regardless of what happened outside the courtroom. We will sit. We will stand when it's your turn, you will speak when it's your turn, and we will abide by the rules as we try to do here in the House.

But the murders of family members of U.S. District Judge Joan Lefkow and the brutal slayings of Judge Roland Barton and his court personnel in Atlanta are just a few of the many examples that underscore the need to better protect those who serve our judiciary and their families.

According to the Administrative Office of U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases it has been necessary to assign Federal judges security details for fear of attack by terrorists, violent gangs, drug organizations, and disgruntled litigants. As a former State district judge, I'm familiar with such threats personally. Threats against me personally didn't actually worry me until they were made against my family.

On looking at Federal law and the penalties, there was a disparity in the penalties for a crime against some family members of court personnel and Federal law enforcement which needed to be addressed. That's what caused me to go to work on this area last Congress, and I'm so pleased that this may actually become law in this Congress.

The problem with witnesses being intimidated as well as threats toward witnesses has also continued to grow, particularly at the State and local level where few resources are available to protect witnesses, victims and their families.

H.R. 660 improves coordination between the U.S. marshals and the Federal judiciary and bolsters security measures for Federal prosecutors handling dangerous trials against terrorists, drug organizations and organized crime figures.

The bill also prohibits public disclosure on the Internet or other public sources of personal information about judges, law enforcement officers, victims and witnesses, and protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filing of liens or other encumbrances against personal property.

Additionally, H.R. 660 provides grants to States and local courts to improve their security services.

I want to thank the majority for working with us to include other important provisions that were not in the

original legislation earlier in this Congress. Although there are still some provisions I would like to have seen, this bill includes so many excellent provisions. I do applaud the chairman and the others on the committee for the work. It is imperative that we continue to work together in a bipartisan effort to protect the judges, witnesses, courthouse personnel and law enforcement officers, as well as the witnesses and their families who are working to protect the rest of the country from criminal acts. Threats and violence require our action today to help them while they help us.

At the State and local level, there is a dire need to provide basic security services in the courtroom and for witnesses. H.R. 660 represents a significant first step in this area.

Madam Speaker, I commend again Chairman CONYERS and Ranking Member SMITH as well as Subcommittee Chairman SCOTT and former Ranking Member FORBES for their continued leadership on this issue.

As a former judge, I hope that we will be successful in getting this legislation across the finish line under your leadership.

I urge my colleagues to support this critical bipartisan and bicameral measure.

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

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

The importance of judicial security has been explained by Mr. GOHMERT, the ranking member of the Subcommittee on Crime and the floor manager today, and it was underscored by the murders of family members of a Chicago Federal judge in 2005, and then, less than 2 weeks later, the killings of a State judge, a court reporter and a sheriff's deputy in an Atlanta courthouse. These acts of violence, along with numerous others, led to the introduction of this measure before us now, H.R. 660, the Court Security Improvement Act, which, among other things, seeks to improve judicial security, not just for court officers, but to safeguard judges and their families as well.

Although the security of all Federal buildings increased in the wake of the 1995 April bombing of the Murrah Federal Building in Oklahoma City and the September 11, 2001, terrorist attacks, the importance of judicial security was brought more particularly to the Nation's attention by reports of the murders of family members of a Chicago Federal judge and the killings less than 2 weeks later of a State judge, a court reporter, and a sheriff's deputy in an Atlanta courthouse. Another incident occurred in June of 2006 when a sniper shot a State judge in Reno, Nevada through the window of the judge's own office.

Supreme Court Justices have also been intended targets of violence and death threats. Last year it was revealed that home-baked cookies infused with poison were mailed to all nine Justices in the year 2005. According to one media report, Justice Sandra Day O'Connor was quoted as saying that each one contained enough poison to kill the entire membership of the court.

All three branches of the Federal Government play unique roles in helping to ensure the safety of judges and the security of the Federal courts. In this joint effort, the role of Congress is to authorize programs, appropriate funds and provide oversight of judicial security.

The Judicial Conference of the United States, the principal policymaking body of the Federal judiciary, governs the administration of the United States courts. The Conference's Committee on Judicial Security monitors the security of the judiciary, including the protection of court facilities and proceedings, judicial officers, and court staff at Federal court facilities and other locations, and makes policy recommendations to the Conference. As the central support entity for the judicial branch, the Administrative Office of the United States Courts implements Judicial Conference policies, including security measures.

By law, the United States Marshals Service within the Department of Justice has primary responsibility for the security of the judiciary, including the safe conduct of court proceedings and the security of Federal judges and court personnel at facilities and offsite as well. They also provide protection details for those who are targets of threats and attacks, and provides other law enforcement services for the Department of Justice. Within the Marshals Service, the Judicial Security Division is specifically responsible for providing security services and staff support to the Federal judiciary, including personal protection for judges and physical security of Federal courthouses.

The USMS, the Marshals Service, conducts threat assessments when they are directed against individuals, including Federal judges, but also United States attorneys, court staff and family members, and then determines the level of security that is necessary for developing security plans and assigning the required resources to ensure their safety. A deputy marshal is required to attend any sessions of the court at the request of the presiding judge. A judicial security inspector, a senior level deputy marshal, is assigned to each judicial district to evaluate courthouse security and procedures and to coordinate scheduling, posting and other matters related to court security officers. The inspectors also conduct security surveys at judges' homes and recommend improvements.

To enhance its capability to strengthen protection of the judiciary, the Marshals Service established the Office of Protective Intelligence in the year 2004 to review and analyze intelligence information about the security of those under Marshals Service protection. On a daily basis, the OPI issues security advisories, intelligence bulletins and many other things that I, although I would like to go into it, time does not permit the opportunity to explain in further detail.

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

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 660.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAMERON GULBRANSEN KIDS TRANSPORTATION SAFETY ACT OF 2007

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1216) to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1216

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 ''Cameron Gulbransen Kids Transportation Safety Act of 2007'' or the ''K.T. Safety Act of 2007''.

SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

(a) POWER WINDOW SAFETY.—

(1) CONSIDERATION OF RULE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation (referred to in this Act as the ''Secretary'') shall initiate a rulemaking to consider prescribing or amending Federal motor vehicle safety standards to require power windows and panels on motor vehicles to automatically reverse direction when such power windows and panels detect an obstruction to prevent children and others from being trapped, injured, or killed.

(2) DEADLINE FOR DECISION.—If the Secretary determines such safety standards are reasonable, practicable, and appropriate, the Secretary shall prescribe, under section 30111 of title 49, United States Code, the safety standards described in paragraph (1) not later than 30 months after the date of enactment of this Act. If the Secretary determines that no additional safety standards are reasonable, practicable, and appropriate, the Secretary shall—

(A) not later than 30 months after the date of enactment of this Act, transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons such standards were not prescribed; and

(B) publish and otherwise make available to the public through the Internet and other means (such as the ''Buying a Safer Car''

brochure) information regarding which vehicles are or are not equipped with power windows and panels that automatically reverse direction when an obstruction is detected.

(b) REARWARD VISIBILITY.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 111 (FMVSS 111) to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. The Secretary may prescribe different requirements for different types of motor vehicles to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. Such standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver's field of view. The Secretary shall prescribe final standards pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(c) PHASE-IN PERIOD.—

(1) PHASE-IN PERIOD REQUIRED.—The safety standards prescribed pursuant to subsections (a) and (b) shall establish a phase-in period for compliance, as determined by the Secretary, and require full compliance with the safety standards not later than 48 months after the date on which the final rule is issued.

(2) PHASE-IN PRIORITIES.—In establishing the phase-in period of the rearward visibility safety standards required under subsection (b), the Secretary shall consider whether to require the phase-in according to different types of motor vehicles based on data demonstrating the frequency by which various types of motor vehicles have been involved in backing incidents resulting in injury or death. If the Secretary determines that any type of motor vehicle should be given priority, the Secretary shall issue regulations that specify—

(A) which type or types of motor vehicles shall be phased-in first; and

(B) the percentages by which such motor vehicles shall be phased-in.

(d) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—Each motor vehicle with an automatic transmission that includes a ''park'' position manufactured for sale after September 1, 2010, shall be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of ''park''. This system shall function in any starting system key position in which the transmission can be shifted out of ''park''.

(2) TREATMENT AS MOTOR VEHICLE SAFETY STANDARD.—A violation of paragraph (1) shall be treated as a violation of a motor vehicle safety standard prescribed under section 30111 of title 49, United States Code, and shall be subject to enforcement by the Secretary under chapter 301 of such title.

(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

(A) INFORMATION SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, for the current model year and annually thereafter through 2010, each motor vehicle manufacturer shall transmit to the Secretary the make and model of motor vehicles with automatic transmissions that include a ''park'' position that do not comply with the requirements of paragraph (1).

(B) PUBLICATION.—Not later than 30 days after receiving the information submitted under subparagraph (A), the Secretary shall publish and otherwise make available to the public through the Internet and other means the make and model of the applicable motor vehicles that do not comply with the requirements of paragraph (1). Any motor vehicle not included in the publication under this subparagraph shall be presumed to comply with such requirements.

(e) DEFINITION OF MOTOR VEHICLE.—As used in this Act and for purposes of the motor vehicle safety standards described in subsections (a) and (b), the term ''motor vehicle'' has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include—

(1) a motorcycle or trailer (as such terms are defined in section 571.3 of title 49, Code of Federal Regulations); or

(2) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight.

(f) DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall establish and maintain a database of injuries and deaths in nontraffic, noncrash events involving motor vehicles.

(2) CONTENTS.—The database established pursuant to paragraph (1) shall include information regarding—

(A) the number, types, and causes of injuries and deaths resulting from the events described in paragraph (1);

(B) the make, model, and model year of motor vehicles involved in such events, when practicable; and

(C) other variables that the Secretary determines will enhance the value of the database.

(3) AVAILABILITY.—The Secretary shall make the information contained in the database established pursuant to paragraph (1) available to the public through the Internet and other means.

SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall provide information about hazards to children in nontraffic, noncrash incident situations by—

(1) supplementing an existing consumer information program relating to child safety; or

(2) creating a new consumer information program relating to child safety.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Secretary shall—

(1) utilize information collected pursuant to section 2(f) regarding nontraffic, noncrash injuries, and other relevant data the Secretary considers appropriate, to establish priorities for the program;

(2) address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed motor vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed; and

(3) make information related to the program available to the public through the Internet and other means.

SEC. 4. DEADLINES.

If the Secretary determines that the deadlines applicable under this Act cannot be met, the Secretary shall—

(1) establish new deadlines; and

(2) notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the new deadlines and describing the reasons the deadlines specified under this Act could not be met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to commend my colleague and my friend from Illinois (Ms. SCHAKOWSKY) for the bill on the floor today, H.R. 1216, the Cameron Gulbransen Kids Transportation Safety Act of 2007. As vice chairman of the Subcommittee on Commerce, Trade and Consumer Protection, her leadership on consumer protection issues is highly valued in this Congress.

I also want to commend the gentleman from New York (Mr. KING) for his bipartisan cosponsorship.

□ 1330

Madam Speaker, Ms. SCHAKOWSKY will speak more fully on her bill, but briefly, H.R. 1216 sets mandatory safety standards for automobiles for nontraffic, noncrash-related accidents. Such accidents include children being backed over by a vehicle, strangled by power windows or inadvertently shifting a car into gear and rolling it into an accident. H.R. 1216 is a bipartisan bill that has been negotiated with consumer groups and the auto industry and is worthy of quick passage on the Suspension Calendar today.

Madam Speaker, I urge a ''yes'' vote by Members of this body.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I want to commend Chairman RUSH and Chairman DINGELL for moving this legislation, commend Ms. SCHAKOWSKY and Congressman KING for their bipartisan endorsement of it.

We have had some problems with the process on this bill. We didn't have a hearing on it. We didn't have a subcommittee markup, but we did have the discussions. Chairman DINGELL did postpone consideration of the bill in full committee so we could have those discussions, and we certainly support the intent of the bill, and so we certainly are willing to endorse it and hope that it gets a unanimous vote.

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

Mr. RUSH. Madam Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the author of the legislation and the Vice Chair of the subcommittee.

Ms. SCHAKOWSKY. Madam Speaker, I thank Chairman RUSH for yielding to

me and for your support. I also want to extend my appreciation to Chairman DINGELL whose assistance and guidance were critical in bringing this important bill, H.R. 1216, the Cameron Gulbransen Transportation Safety Act, to the floor today.

One of the most painful things I've been a part of as a Member of Congress are the press conferences which come about every 6 months or so in which parents and grandparents come to share pictures of their children and loved ones, some of whom they have accidentally killed by rolling over them with their vehicles. Imagine that for a moment, particularly in this time of year, as we wish to be with those we love the most.

I am here today because of these courageous people, driven by such horrifying accidents. Today we can pass this bill and reduce these unimaginably tragic and unnecessary deaths and make them a thing of the past. At just 2 years of age, Cameron Gulbransen was tragically killed when his father, a pediatrician from Long Island, accidentally backed over him. This bill is a tribute to him and the hundreds of other young children who have died.

This legislation was first introduced back in 2003 with my colleague from New York, Congressman PETER KING, whose constituent is Dr. Gulbransen. But today I stand here with strengthened resolve. Just 2 days ago as her mother picked up snow shovels that had been left in the driveway, Ashlynn Lauber, an 8-year-old from just outside Collinsville, Illinois, my State, was killed when the family car rolled over her.

Unfortunately, since we first introduced H.R. 1216, well over 1,000 children have needlessly died in preventable accidents, and this year alone 200 children have died of back-over accidents. Many children are killed in these kinds of accidents each year without ever leaving their driveways, suffocated by unsafe power windows, backed over by cars with major blind spots, or hit because a car was accidentally put into motion by a child who could not control it.

H.R. 1216 is commonsense, consensus legislation that reflects input from the auto industry as well as child safety advocates. This legislation will require the Secretary of Transportation to set minimum safety standards for cars, SUVs and trucks, and to begin rulemaking in three areas: Expanding rearward visibility, enabling power windows to automatically reverse direction when an obstruction is detected, and requiring brake pedals to be engaged when a vehicle is not in park.

Expanding the rearward visibility standard will give drivers a better means of detecting when small children or objects are behind their vehicles. Some SUVs have rearward visibility so poor that up to 62 children could fit in their blind spot with the driver being none the wiser. This provision will enable drivers to detect areas behind motor vehicles and will help reduce deaths and injuries from backing incidents, particularly for children and the disabled.

Instructing the Secretary to consider requiring power windows to automatically reverse direction when an obstruction is detected will help prevent small children from being caught in or strangled by windows. These accidents have taken a minimum of 21 lives over the last 5 years.

And finally, requiring every vehicle's brake pedal to be engaged when the car is shifted out of ''park'' and into another gear will prevent anyone not intending to drive the car, such as a child who cannot typically reach the brake pedal, from accidentally setting the car into motion. In the past 5 years, at least 80 children have lost their lives in this kind of accident.

Families want safe cars. They deserve these commonsense safety features. It is time that we make sure they get them. And one of the best parts of this bill is that it will direct the National Highway Transportation Safety Administration to create a publicly searchable database of nontraffic, noncrash-related motor vehicle injuries and to establish a child safety information program to help consumers address ways in which parents and caregivers can reduce risks to small children.

Better design and technologies already exist, and they are getting better and cheaper every day. Many companies already offer these added safety features on their higher end vehicles, but protecting our children is not a luxury to be priced out of reach for most Americans. It is time that manufacturers include these features in every vehicle.

I'd like to publicly thank Kids and Cars and the Consumers Union for strenuously advocating for the safety of children and for taking on the critical problem of unsafe cars. And I, again, want to thank Chairman DINGELL, Mr. BARTON and Mr. STEARNS for their efforts. And I would like to thank Jonathan Cordone and David Cavicke on the committee staff for all their hard work on this bill. I also want to extend a special thanks to Congressman PETER KING for his leadership and resolve that he's demonstrated over the years.

And finally, I want to thank Diane Beedle, my former legislative director, who worked tirelessly on this issue, and the families who have turned their tragedies into advocacy.

Mr. BARTON of Texas. Madam Speaker, I yield such time as he may consume to the Republican cosponsor of the bill, a former chairman of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I thank the gentleman from Texas for yielding, and I thank him for the support which he has given to this legislation here today.

I also want to thank Chairman DINGELL and Chairman RUSH and, of course, Congresswoman SCHAKOWSKY for the tremendous leadership that she has shown on this issue, working in a truly bipartisan fashion and, most importantly, getting the job done. I just want to thank her for that.

I also want to acknowledge Senator CLINTON and Senator SUNUNU, who are also pursuing this legislation in the United States Senate.

But most importantly, I want to thank Dr. Greg Gulbransen and his wife Leslie Gulbransen for coming to me almost 5 years ago after the tragic death of their son who was killed when the family car backed over him. I can't imagine a more horrific circumstance for a family to go through, for parents to go through. And yet Dr. Gulbransen and Mrs. Gulbransen, they took this tragedy and opportunity to save the lives of other children throughout the Nation, and they have been steadfast and they've been unyielding in their support of this legislation. And as Congresswoman SCHAKOWSKY said, so many other parents have gone through the agony of appearing at news conferences, of coming forward and lending their support and their own terrible, terrible experience to advancing this legislation.

So my heart goes out to them, but most importantly, today I thank them for the efforts which they have given. Cameron Gulbransen was a young man in my district who was tragically killed 5 years ago, and as Congresswoman SCHAKOWSKY said, every year we have more than 200 children killed, 200 children killed despite the best effort of their friends, of their neighbors. We're not talking about negligence here. We're not talking about people who are at all uncaring. We're talking about people who took every possible safety measure, and yet in spite of that, these tragedies occurred.

So I'm not going to go through all the detail of the bill. I just want to again thank Congresswoman SCHAKOWSKY for her effort, thank Ranking Member BARTON for extending me this time today, and most importantly, thanking Dr. Gulbransen and Mrs. Gulbransen for, again, their unyielding courage, for their dedication, and also the people on my staff who worked on this bill.

And again, this is a great day for the children of America, a great day for the parents of America, and it's a day that all of us will look back on with pride and, most importantly, with thanks and gratitude for the lives that will be saved because of that.

And with that, Madam Speaker, I urge the adoption of the legislation.

Mr. RUSH. Madam Speaker, it's my pleasure to now yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the full committee, my friend.

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

Mr. DINGELL. Madam Speaker, I rise in strong support of the K.T. Safety Act of 2007. This is another example

of commonsense legislation, bipartisan approach to regulating an industry and adequately protecting our people and our children.

I want to commend Representative SCHAKOWSKY and Senator CLINTON for working with me and with the able and distinguished chairman of the subcommittee, Mr. RUSH, in achieving this compromise.

I cannot praise too highly the cooperation and the assistance of our good friends on the other side of the aisle, Ranking Members BARTON and STEARNS, for their fine support and for the very cooperative way in which they have worked with us, and I thank them and salute them for that.

The legislation requires the Department of Transportation to issue regulations to reduce injury and death for nontraffic accidents involving automobiles, particularly to protect children. This is the right thing to do, and it must be, and under this legislation will be, implemented in a responsible manner.

The bill has the support of safety advocates, including Public Citizen and the Advocates for Auto and Highway Safety, as well as the automobile manufacturers.

This is an important bill for our children, including Franklin Dean Beedle Atizado whose mother worked on this legislation.

I urge its swift passage, and I do again commend its author, Representative SCHAKOWSKY, for her remarkable leadership in this matter.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and this issue is so important, H.R. 1216, and I certainly rise to support it.

Madam Speaker, I thank Ranking Member BARTON from Texas and Chairman DINGELL, chairman of the Energy and Commerce Committee, Mr. RUSH and others for bringing it forward.

Madam Speaker, when I was in the Georgia general assembly serving in the State senate several years back, I became so involved in teen driving issues. I was an OB/GYN physician, and some of the youngsters that I had delivered, all of the sudden, they were 15, 16 years old, and some of them killed tragically in automobile accidents just simply because they weren't safe. They didn't have the proper training, and so these issues are so hugely important.

I became aware of this bill when a couple from my district came to me in Washington several months ago, and their son, their 4-year-old son, had been tragically killed by a vehicle backing over him. And you know, you can't bring these lives back, of course we can't, but this kind of legislation and bringing this kind of safety to help prevent maybe my grandchildren, somebody else's child from going through a tragic situation like that, from which the family never recovers.

So, again, to be here today to offer a few words of support for H.R. 1216, the things like automatic power window reversal, rearward visibility, this bill addresses safety risks which have already resulted in the deaths of so many children in this country. So we can't bring them back, but we can help protect our young people in the future, and I strongly support it.

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

Mr. BARTON of Texas. Madam Speaker, I have no more speakers. I urge the adoption of the bill, and I yield back the balance of our time, also.

□ 1345

The SPEAKER pro tempore (Ms. LEE). The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1216, as amended.

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

A motion to reconsider was laid on the table.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4040

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Consumer Product Safety Modernization Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN'S PRODUCT SAFETY

Sec. 101. Ban on children's products containing lead; lead paint rule.
Sec. 102. Mandatory third-party testing for certain children's products.
Sec. 103. Tracking labels for children's products.
Sec. 104. Standards and consumer registration of durable nursery products.
Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.
Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.
Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.
Sec. 202. Structure and quorum.
Sec. 203. Submission of copy of certain documents to Congress.
Sec. 204. Expedited rulemaking.
Sec. 205. Public disclosure of information.
Sec. 206. Publicly available information on incidents involving injury or death.
Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 208. Notification of noncompliance with any Commission-enforced statute.
Sec. 209. Enhanced recall authority and corrective action plans.
Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.
Sec. 211. Inspection of certified proprietary laboratories.
Sec. 212. Identification of manufacturer, importers, retailers, and distributors.
Sec. 213. Export of recalled and non-conforming products.
Sec. 214. Prohibition on sale of recalled products.
Sec. 215. Increased civil penalty.
Sec. 216. Criminal penalties to include asset forfeiture.
Sec. 217. Enforcement by State attorneys general.
Sec. 218. Effect of rules on preemption.
Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 220. Inspector General authority and accessibility.
Sec. 221. Repeal.
Sec. 222. Industry-sponsored travel ban.
Sec. 223. Annual reporting requirement.
Sec. 224. Study on the effectiveness of authority relating to imported products.

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term ''Commission'' means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term ''children's product'' means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting ''0.009 percent'' for ''0.06 percent'' in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''Every manufacturer'' and inserting ''Except as provided in paragraph (2), every manufacturer''; and

(B) by striking ''standard under this Act'' and inserting ''rule under this Act or similar rule under any other Act enforced by the Commission'';

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

''(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

''(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e) ; and

''(B) issue a certificate which shall—

''(i) certify that such product conforms to such standards or rules; and

''(ii) specify the applicable consumer product safety standards or other similar rules.''; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking ''required by paragraph (1) of this subsection'' and inserting ''required by paragraph (1) or (2) (as the case may be)''; and

(B) by striking ''requirement under paragraph (1)'' and inserting ''requirement under paragraph (1) or (2) (as the case may be)''.

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

''(d) DEFINITIONS.—In this section, the following definitions apply:

''(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

''(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

''(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

''(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

''(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

''(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.''.

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

''(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

''(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

''(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

''(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

''(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

''(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.''.

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking ''standards under this Act'' and inserting ''rules under this Act or similar rules under any other Act enforced by the Commission''; and

(2) by striking '', at the option of the person required to certify the product,'' and inserting ''be required by the Commission to''.

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

''(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.''.

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the ''Danny Keysar Child Product Safety Notification Act''.

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this

Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term ''durable infant or toddler product''—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

''(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

''(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

''(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.''.

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c)) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963-07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

''(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

''(1) $80,000,000 for fiscal year 2009;

''(2) $90,000,000 for fiscal year 2010; and

''(3) $100,000,000 for fiscal year 2011.

''(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal

years 2009 through 2011, for the purpose of renovation, repair, reconstruction, re-equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).''.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading ''CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES'' in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking ''or'' after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

''(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or''.

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking ''shall be commenced'' in subsection (a) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (b) and inserting ''in a notice'';

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (a), the'' in subsection (c) and inserting ''unless the'';

(D) by inserting ''or notice of proposed rulemaking'' after ''advance notice of proposed rulemaking'' in subsection (c); and

(E) by striking ''an advance notice of proposed rulemaking under subsection (a) relating to the product involved,'' in the third sentence of subsection (c) and inserting ''the notice''.

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking ''an advance notice of proposed rulemaking or''.

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

''(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).''.

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if'' and inserting ''Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if''.

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

''(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.''.

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking ''shall be commenced'' in subsection (f) and inserting ''may be commenced'';

(B) by striking ''in the notice'' in subsection (g)(1) and inserting ''in a notice''; and

(C) by striking ''unless, not less than 60 days after publication of the notice required in subsection (f), the'' in subsection (h) and inserting ''unless the''.

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

''(d) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary'' each place it appears and inserting ''Commission'' except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking ''Department'' each place it appears, except in section 14(b), and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place they appear in reference to the Secretary and inserting ''it'' and ''its'', respectively;

(E) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting ''Commission'';

(F) by striking ''Secretary of Health, Education, and Welfare'' each place it appears in section 14 (15 U.S.C. 1273) and inserting ''Commission'';

(G) by striking ''Department of Health, Education, and Welfare'' in section 14(b) (15 U.S.C. 1273(b)) and inserting ''Commission'';

(H) by striking ''Consumer Product Safety Commission'' each place it appears and inserting ''Commission''; and

(I) by striking ''(hereinafter in this section referred to as the 'Commission')'' in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking ''shall be commenced'' and inserting ''may be commenced by a notice of proposed rulemaking or'';

(B) in subsection (i), by striking ''unless, not less than 60 days after publication of the notice required in subsection (g), the'' and inserting ''unless the''.

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

''(i) The term 'Commission' means the Consumer Product Safety Commission.'';

(B) by striking ''Secretary of Commerce'' each place it appears and inserting ''the Commission'';

(C) by striking ''Secretary'' each place it appears, except in sections 9 and 14, and inserting ''Commission'';

(D) by striking ''he'' and ''his'' each place either term appears in reference to the secretary and insert ''it'' and ''its'', respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking ''Consumer Product Safety Commission (hereinafter referred to as the 'Commission')'' and inserting ''Commission'';

(G) by striking section 16(d) and inserting the following:

''(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189).''; and

(H) in section 17, by striking ''Consumer Product Safety Commission'' and inserting ''Commission''.

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''30 days'' and inserting ''15 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(2) in paragraph (2)—

(A) by striking ''10 days'' and inserting ''5 days'';

(B) by striking ''finds that the public'' and inserting ''publishes a finding that the public''; and

(C) by striking ''and publishes such a finding in the Federal Register'';

(3) in paragraph (4), by striking ''section 19 (related to prohibited acts)'' and inserting ''any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission''; and

(4) in paragraph (5)—

(A) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; or'';

(C) by adding at the end the following:

''(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1).''; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking ''section 19(a)'' and inserting ''any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission''.

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting ''or to which a rule under any other law enforced by the Commission applies,'' after ''applies,''; and

(2) by striking ''consumer product safety'' the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;''; and

(3) by adding at the end the following sentence: ''A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.''.

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking ''if the Commission'' and inserting ''(1) If the Commission'';

(B) by inserting ''or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12,'' after ''from such substantial product hazard,'';

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after ''the following actions:'' the following:

''(A) To cease distribution of the product.

''(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

''(C) To notify appropriate State and local public health officials.''; and

(E) by adding at the end the following:

''(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.''.

(2) in subsection (f)—

(A) by striking ''An order'' and inserting ''(1) Except as provided in paragraph (2), an order''; and

(B) by inserting at the end the following:

''(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.''.

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting ''(1)'' after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking ''more (A)'' in subparagraph (C), as redesignated, and inserting ''more (i)'';

(4) by striking ''or (B)'' in subparagraph (C), as redesignated, and inserting ''or (ii)'';

(5) by striking ''An order under this subsection may'' and inserting:

''(2) An order under this subsection shall'';

(6) by striking '', satisfactory to the Commission,'' and inserting '', as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,''; and

(7) by adding at the end the following:

''(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

''(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

''(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.''.

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

''(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

''(1) identifying the specific product that is subject to such an order;

''(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

''(3) understanding what remedy, if any, is available to a consumer who has purchased the product.''.

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting '', including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice'' after ''comply''.

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking ''or (B)'' and inserting ''(B) any proprietary laboratories certified under section 14(e), or (C)''.

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

''(c) Upon request by an officer or employee duly designated by the Commission—

''(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

''(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

''(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

''(B) each subcontractor involved in the production or fabrication or such product or substance; and

''(C) each subcontractor from which the manufacturer obtained a component thereof.''.

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking ''may'' and inserting ''shall''; and

(2) in subsection (h)(2), by striking ''may'' and inserting ''shall, consistent with section 6,''.

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

''(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

''(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the

disposition of the product under the circumstances.''.

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting '' or violate an order of the Commission issued under section 18(c); or''.

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking ''substance presents an unreasonable risk of injury to persons residing in the United States'' and inserting ''substance is prohibited under section 18(c) of the Consumer Product Safety Act,''.

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

''(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

''(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

''(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

''(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.''.

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

(1) by striking paragraph (1) and inserting the following:

''(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

''(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

''(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

''(C) subject to an order issued under section 12 or 15 of this Act; or

''(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);'';

(2) by striking ''or'' after the semicolon in paragraph (7);

(3) by striking ''and'' after the semicolon in paragraph (8); and

(4) by striking ''insulation).'' in paragraph (9) and inserting ''insulation);''.

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking ''$1,250,000'' both places it appears and inserting ''$10,000,000''.

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking ''$1,250,000'' and inserting ''$10,000,000''.

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''products distributed, and'' and inserting ''products distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting ''the nature, circumstances, extent, and gravity of the violation, including'' after ''shall consider'';

(ii) by striking ''substance distributed, and'' and inserting ''substance distributed,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking ''nature and number'' and inserting ''nature, circumstances, extent, and gravity'';

(ii) by striking ''absence of injury, and'' and inserting ''absence of injury,''; and

(iii) by inserting '', and such other factors as appropriate'' before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

''(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

''(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).''.

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking ''PRIVATE'' and inserting ''ADDITIONAL'';

(2) by striking ''Any interested person'' and inserting ''(a) Any interested person''; and

(3) by striking ''No separate suit'' and all that follows and inserting the following:

''(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

''(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

''(A) to intervene in the action;

''(B) upon so intervening, to be heard on all matters arising therein;

''(C) and to file petitions for appeal.

''(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.''.

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

''(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

''(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

''(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

''(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

''(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

''(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

''(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

''(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

''(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

''(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

''(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

''(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

''(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

''(4) In this subsection, the term 'foreign government agency' means—

''(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

''(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

''(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.''.

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

''SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

''(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

''(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

''(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

''(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.''.

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking ''The Commission'' and inserting ''Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission''; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

''(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;''.

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, today is indeed a grand day. Today is a day that we show the American people that this Congress, this House of Representatives, gets things done. Today the House will vote on sweeping bipartisan legislation that will protect our children from defective and dangerous toys and comprehensively reforms the Consumer Product Safety Commission.

The bill before us today, H.R. 4040, the Consumer Product Safety Modernization Act of 2007, was introduced by Chairman DINGELL, Ranking Member BARTON, Ranking Member STEARNS, and myself. This historic bill authorizes desperately needed resources to the commission and dramatically rewrites the Consumer Product Safety Act as well as the Federal Hazardous Substances Act, both of which are administered by the CPSC. After decades of neglect, H.R. 4040 finally restores the CPSC to its rightful place of prominence and gives it the necessary tools to grapple with the global marketplace and protect America's consumers, particularly our children, from dangerous and defective products.

This bill represents 8 months of work, five hearings, a subcommittee markup, and a full committee markup in which the final vote was 51–0. As chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, I am extremely proud of our collective efforts during this entire process.

H.R. 4040 has two titles. Title I specifically addresses children's products by establishing the strictest lead standards in the world for children's products and requiring certification

and testing. Title II overhauls the CPSC itself, giving the beleaguered agency much-needed resources and strengthening its underlying organic statute. At both the subcommittee and full committee markups, the bill underwent significant changes: We strengthened the lead standard, raised the age requirement for mandatory testing to 12 years of age, required CPSC to appropriately tailor their corrective action plans to fit consumer needs, bestowed enforcement authority to State attorneys general, banned corporate-sponsored travel for CPSC employees, and preserved State common law rights of action.

All of these excellent changes were made at the behest of the members of the Energy and Commerce Committee who offered their valuable input on how to make this underlying bill even better.

Madam Speaker, I cannot emphasize enough the bipartisan nature of this bill. From the very beginning, we drafted this bill in consultation with the Consumer Product Safety Commission, consumer groups, and industry. Madam Speaker, I want to sincerely thank the distinguished chairman of the full Committee on Energy and Commerce, my dear friend from Michigan, Mr. JOHN DINGELL, for his unparalleled leadership. This bill simply would not be possible without Chairman DINGELL's guidance. Of course, I want to thank my friends, the distinguished ranking member of the committee, Mr. BARTON; and the ranking member of the subcommittee, Mr. STEARNS, for their incredible leadership and unwavering cooperation.

I urge my colleagues to vote ''yes'' on this historic bill.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I want to start off by congratulating Chairman JOHN DINGELL. I have with me today's Congress Daily, one of the news periodicals that tracks what we do. And on page 7 the headline is ''House Panel Easily Passes Consumer Safety Legislation.'' It goes on to say that DINGELL said he plans to approach the Speaker and ask her to put the bill on the Suspension Calendar because it passed committee 51–0, and in the next paragraph it says that a leadership aide said it is unlikely that the bill could come to the floor before Congress adjourns for the year.

Well, I just want to congratulate the chairman for going to Speaker PELOSI and getting her to agree to put this bill on the floor before we go home because this bill shows how the Congress should work. It didn't pass 51–0 because of serendipity. It passed 51–0 yesterday in the Energy and Commerce Committee because staffs on both sides of the aisle of both the full committee and the subcommittee met for countless hours to negotiate the many compromises necessary to put the bill together. I want to especially compliment Consuela Washington, the majority counsel, Chairman DINGELL's counsel, who has worked so hard on this bill. If President Washington were still alive today, he would be very proud of her for the work that she's done because she has not only had to work with the minority staffers and members, she has also had to diligently work with the majority staffers and members as sometimes each side was pulling her in different directions. It's good to know that she's all in one piece and doing well.

This bill will strengthen the Consumer Product Safety Commission. This bill will create a state-of-the-art testing laboratory to test the products and the toys that we sell to the American public. This bill will enhance the recall ability of the Consumer Product Safety Commission. This bill will expand the number of commissioners so that we have a full commission again. This bill increases the fines that the Consumer Product Safety Commission can levy against recalcitrant companies that sell defective products. And this bill has the toughest lead standard in the world for products.

I wish it were my line, but it's not. Chairman RUSH's line on the lead standard, in response to an amendment in committee to make it even tougher, said that God himself at Mount Horeb where He gave the Ten Commandments to Moses, that may have been the only holy ground in the world that would have met this standard. I thought that was just priceless in terms of trying to put in context how tough this standard is that the Lord Himself would have difficulty meeting the standard in the bill.

So this is a good work product. It was done the right way. Negotiations with the stakeholders, negotiations with members, negotiations with the staff; an open markup at subcommittee; adequate time between subcommittee and full committee; a manager's amendment that was circulated so all members had a chance to see it; a full committee markup that lasted 2 days; numerous amendments that were offered, some withdrawn, some accepted, some modified. And the result was a 51–0 vote that occurred in full committee yesterday. And then again, thanks to Chairman DINGELL's ability to get things done in the House, a Suspension Calendar vote today so that Members on both sides of the aisle have an attempt to put their stamp of approval on this very important piece of legislation.

I'm very proud to have played a small part in this process, and I cannot urge in stronger language that we should pass this and send it to the other body so that they may also reciprocate.

I predicted at the press conference 6 weeks ago or 2 months ago that something very close to this bill will be on the President's desk. We will have a bill signing ceremony in the Oval Office or the Rose Garden on this legislation later in this Congress.

So I'm very pleased to endorse it. I again thank all Members for their hard work, and a special commendation to CLIFF STEARNS, the former ranking member of the subcommittee, for his hard work.

Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I want to thank the distinguished chairman of the subcommittee, Mr. RUSH, for yielding me this time, and I want to congratulate him and my distinguished chairman, Mr. DINGELL, for bringing this strong consumer protection bill to the floor so quickly. I also want to thank Congresswoman DELAURO, whom I have been working with on this legislation for a number of years, and I am so thrilled to see it on the floor.

Madam Speaker, this year we have seen the number of children's product and toy recalls rise dramatically. Many of these recalls were because of the excessive amounts of lead, which is a very dangerous compound for children. As if parents didn't have enough to worry about this season, they're faced with another dilemma. Are the toys that they are buying safe? Today in the House we will act to make sure the answer to that question in the future is a resounding ''yes.''

Back in September, with Congresswoman DELAURO, I introduced a bill to address this issue. I want to commend the good work of the Energy and Commerce Committee for incorporating many of the provisions of our bill, most of the provisions, into H.R. 4040 as it sits before us today.

This bill takes a number of steps to protect kids under 12. For example, it almost doubles the funding for the Consumer Product Safety Commission, which has been woefully underfunded and staffed. It bans lead in children's products and toys. It requires independent third-party testing. And it bans industry-sponsored travel, which has been a scandal at the Consumer Product Safety Commission.

Passing H.R. 4040 today is a crucial first step in making sure that children are safe from dangerous products. As parents like us are rushing to finish their holiday shopping this weekend, they can rest assured that the U.S. House of Representatives is on their side.

I look forward to working with my colleagues early in the next session to make sure that the food parents are putting on their table is also safe.

Mr. BARTON of Texas. Madam Speaker, I want to yield 5 minutes to the former chairman of the subcommittee and then the ranking member of the subcommittee, who is now the ranking member of the Telecommunications Subcommittee, the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Madam Speaker, I rise in support of this bill. As Chairman BARTON has pointed out, it has been bipartisan, with 51 people voting for it and no one voting against it. We had a conscientious markup, particularly on several amendments. These amendments were defeated so that we had a little compromise involved.

A lot of Americans should realize that the Consumer Product Safety Commission came into existence in 1973 as the agency to ensure consumer products, including toys, not to pose risks of injuries to our families, illness or death to consumers. Lots of times products are not used properly, and that causes a problem.

□ 1400

The Consumer Product Safety Commission cannot guarantee safety if the consumers don't use their products properly.

They have 15,000 different products that they have to promulgate with standards. Fortunately, the Commission rarely has had to promulgate mandatory standards for all these products and can rely on voluntary standards that are simply developed by the industry itself.

This bill, as Mr. BARTON pointed out, is going to be signed in very short order after we pass this under suspension.

Many of the Members on both sides talked about the growing compliance shortfalls with toys that are manufactured outside the United States, particularly in China. Specifically, our attention was focused on the spate of recalls which increased dramatically for toys with lead-based paints exceeding the United States limit. This was a problem we have rarely seen in 30 years since we passed the Federal ban on lead-based paint. I am pleased to report that manufacturers and retailers have stepped up to the plate in testing in response to these problems, and that's good.

Nevertheless, my colleagues, toys have not been the only problem this year, as imports of every type of product increasingly account for our supply of goods, particularly from China. As our imports have risen over the years, so have the number of problems that have been associated with these products that come in. But the Consumer Product Safety Commission has met this daunting challenge and, as you can imagine, with 15,000 different kinds of products, they have issued more recalls over the last 2 years than any other time in our history. Despite this, we recognized the need to provide the Commission with additional resources, which we are doing today. We authorize significant increases in their budget so that the Commission may fulfill their mission to keep defective products that can cause injury, or worse, out of the stream of commerce.

So, I'm pleased to report that the omnibus bill we passed this week includes increased appropriations for the Commission, so they're getting new resources.

This bill is good public policy that not only provides the Commission with new resources, but, as was pointed out, much, much more. It provides for new standards regarding lead paint and implements the most stringent standard ever for lead content in children's products. The bill requires testing and certification of children's products before they are ever shipped to store shelves, and provides increased penalties for companies that violate the law.

New laboring requirements will help facilitate effective recalls, and the bill provides greater authority for the Commission to recall harmful products and notify the public of these dangers. Very important; they have this extra recall authority.

We have worked with the consumer groups, industry, and the Commission to make this a bipartisan, sound bill that works effectively. So I commend Chairman RUSH, I commend, obviously, Mr. DINGELL, and I commend our ranking member, Chairman BARTON, on their willingness to make this an open process. We talked about it, and the result is what we see today, a bipartisan bill that has the support of the House.

So, I urge my colleagues to support it, and I look forward to its implementation into law.

Mr. RUSH. Madam Speaker, I yield 2½ minutes to the gentlelady from Connecticut, the vice chairman of the Democratic Caucus, Ms. DELAURO.

Ms. DELAURO. Madam Speaker, when the toys our children play with are no longer safe, government must respond. Today's bill represents a first step forward, an active response to an agency which has failed to take its regulatory responsibilities seriously for far too long, an agency that does not understand its regulatory function. We are addressing the Consumer Product Safety Commission's mandate, and trying to reform it in a meaningful way.

I have been proud to work with my colleague, Congresswoman DEGETTE, and other colleagues from the Energy and Commerce Committee to hone, to strengthen this bill. We all recognize that the American people must be able to depend on the system responsible for protecting them.

I especially want to thank Congresswoman ANNA ESHOO who fought to strengthen the mandatory recall provision governing products that pose an imminent hazard. This new authority will allow the CPSC to provide notice and halt distribution without protracted legal proceedings.

I am pleased that I could partner with my colleagues to strengthen this bill in other ways as well, requiring tracking labels and product registration cards for durable and nursery products, providing the additional resources the CPSC needs to get its act together, instituting a ban on industry-sponsored travel, and providing for protections for children under the age of 12.

I do not believe that we have gone far enough and that we must go further. I look forward to making this bill stronger still, working through the conference to address its shortcomings.

Under this bill, we must make it clear that States will not be preempted. Attorneys General should not be limited when pursuing remedies or penalties. At a time when the number of dangerous products entering our markets are skyrocketing, this is a problem we need to fix now. We should be bringing more allies to our fight, not fewer.

Also, we are still not tough enough on third-party testing. There are still loopholes that leave manufacturers to conduct their own tests. The days of industry self-policing must come to an end. And I believe the current provision banning lead, although long overdue, has problematic exemptions. Health advocacy experts have testified to the need to place its threshold at 40 parts per million and urge more timely implementation. With our children's health at stake, we should listen to the experts.

Government has an obligation to its citizens; it's that simple. This bill represents a first step forward in meeting that obligation, striving to make sure dangerous toys and products do not slip through the cracks and into our children's hands.

During this holiday season, we cannot afford to wait any longer. I urge a ''yes'' vote on this legislation.

Mr. BARTON of Texas. May I inquire as to the time I have remaining, Madam Speaker?

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Texas has 11 minutes remaining. The gentleman from Illinois has 11½ minutes remaining.

Mr. BARTON of Texas. I ask unanimous consent to yield 6 of my 11 minutes to Mr. RUSH for him to control.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois now has 17½ minutes remaining.

Mr. RUSH. I want to thank the gentleman.

Mr. BARTON of Texas. And of the 5 minutes I still control, I want to yield two of those minutes to the new ranking member of the Consumer Protection and Trade Subcommittee, Mr. WHITFIELD.

Mr. WHITFIELD. Madam Speaker, I certainly want to congratulate Chairman DINGELL, Ranking Member BARTON, Chairman RUSH and Ranking Member STEARNS.

Recently, we've read many articles about products coming out of China, whether it be wheat gluten, whether it be contaminated toothpaste, whether it be excessive lead in the paints of toys, and all of us are quite excited about this legislation, H.R. 4040, for the reformation that it makes in the Consumer Product Safety Commission.

One thing that I would point out, and other people have already said it, but the new standards regarding lead paints implements the most stringent standard ever for lead content in children's products in this legislation. So, this is an exciting day for the American people. I think it shows that Congress does have the ability to meet very important problems facing our country.

I look forward to the passage of this legislation today, and certainly want to thank the staff for the hard work that they did on both sides of the aisle.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

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

Madam Speaker, I rise in support of the Consumer Protection Safety Modernization Act, of which I am a cosponsor. There is no better time to pass this legislation than right now before the holidays when parents are buying toys for their children.

After months of recalls of Chinese-manufactured toys, it is evident that the Consumer Protection Safety Commission lacks strong authority and needs additional resources to protect the safety of our children and loved ones.

This legislation will implement a graduated reduction of lead standards, reducing 100 parts per million, a level unmatched anywhere in the world.

The bill will also require manufacturers to include tracking labels to aid in the event of a recall on all toys intended for children 12 and younger, and mandate third-party testing of toys for lead by labs accredited by the CPSC.

This legislation strengthens the commission by authorizing significant increases in funding levels over the next 3 years, allowing the Product Safety Commission to hire additional employees, which has been at an all-time low since their inception. Furthermore, this legislation provides an additional $20 million to modernize CPSC's testing laboratory to ensure safe products.

Madam Speaker, I applaud Chairman DINGELL, Chairman RUSH, Mr. BARTON and Mr. STEARNS for bringing this bill to the floor. I urge my colleagues to join me in voting in favor of this bill.

Mr. BARTON of Texas. I yield 1½ minutes to a distinguished member of the full committee, Dr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my distinguished ranking member.

In 2007, there have been 61 toy recalls, which translates to about 25 million toys. This number is up significantly from the 40 recalls of 5 million toys we had last year. And this is what we caught.

This bill will help protect consumers. The real culprits remain, however, the trading partners who refuse to abide by international standards, countries like China and others who have lax oversight, who happen to be the leading countries that are involved with these appalling rates. That's why this bill is so important, because it is up to us to set sound and safe standards and enforce them.

In addition, I am pleased the committee will be looking at further research to look at the issue of pet toys, pet toys that may themselves have lead and other toxic metals that are unregulated. Not only is this a concern in exposure for the family pet, but also because many of these toys themselves are inviting to children. Young children themselves may pick them up, put them in their mouth, and get these toxic substances on their hands.

As people do their shopping this holiday season, perhaps what we should be doing as a Nation, before this bill is signed by the President and goes into effect, instead of judging products by cheap prices, we should all be looking for quality and safety that comes from buying American products.

With that, I thank the committee.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Madam Speaker, I am enjoying my return to the Commerce Committee, where I serve under a great chairman, JOHN DINGELL.

Our committee has a history of producing strong bipartisan legislation. The regular order works, and we do good work when we follow it.

As a grandmother and grandmother-to-be, I watched in horror this summer as millions of toys were pulled off of American store shelves due to lead-tainted paint, detached magnets, and other hazards. I was further dismayed because Mattel, one of the companies responsible, is headquartered in my congressional district and employs 2,000 of my constituents to design and market its toys. I am pleased to say that Mattel has worked hard to fix its problems, though I will continue to recommend that it move some of or all of its manufacturing back to this country, where quality can be carefully monitored.

Madam Speaker, for all the reasons my colleagues have mentioned, H.R. 4040 is a landmark bill. It sets a high bar for toy manufacturers like Mattel, and strengthens government scrutiny of industry. H.R. 4040 was written the right way, the bipartisan way, and through the regular order of the House. In terms of process, it is a model for Congress at its best, and grandmothers, grandmothers-to-be, children, and our committee will be better for it.

I urge passage of this bill.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, it is my pleasure now to yield 2½ minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you, Mr. Chairman, for yielding to me. And I thank you, Chairman DINGELL, Ranking Member BARTON and vice chairman of the subcommittee, Mr. STEARNS, for bringing this bill to fruition.

This is the season of giving, but parents today are worrying about whether the toys they buy for their children will be safe or a potentially lethal hazard.

The Chicago Tribune recently tested 800 toys and found a wooden butterfly in an Oak Park toy store with 85,000 parts per million of lead, 142 times the legal limit.

□ 1415

A Superman figurine contained 33,000 parts per million. The Associated Press followed up with their own tests, and 35 percent of the toys they looked at were contaminated with lead levels above the legal limit.

We should have a Consumer Product Safety Commission that is aggressive in protecting our children, our most precious resource. We should, but we don't. Unfortunately, the CPSC acting chairwoman seems content with the status quo.

H.R. 4040, the Consumer Product Safety Modernization Act, recognizes that the status quo of daily recalls, injuries and deaths is not acceptable. I support this bill because it provides new authority and resources to make products, particularly children's products, safe.

There are many important provisions in this bill. It would virtually ban lead in products intended for children age 12 and younger. It will mandate independent third-party testing for hazards in children's products and improve the recall process. It includes provisions from legislation I introduced to require long-overdue mandatory safety standards for durable infant and toddler products and strengthen recall effectiveness by requiring them to include recall registration cards.

I hope we can make this bill even stronger. Even with added resources authorized from the bill, a major improvement from the levels requested by President Bush, we could do better, particularly when it comes to monitoring imports. I support measures to add mandatory premarketing testing and other important things. But ultimately, we need to pass this legislation.

I support measures to add mandatory premarketing testing, tough whistleblower protections and the assurance that injured consumers will have full rights to hold wrongdoers accountable. And while I support provisions to encourage manufacturers to report dangerous products, I remain concerned about the effect those provisions would have on criminal liability and hope we can take a further look at this.

Ultimately no legislation will be successful if the CPSC continues to shirk its mandate of protecting consumers. I want to thank Chairman DINGELL and Chairman RUSH for their hard work on this bill and for their commitment to

holding vigorous oversight of CPSC's activities. I look forward to working with them to make this bill even stronger.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Thank you, Mr. Chairman.

Madam Speaker, like so many before me, I rise today in support of the Consumer Product Safety Modernization Act, H.R. 4040. As the father of five, I am very concerned about our children's safety. This legislation creates the toughest lead standard in the world for children's products, and I could not be prouder to support it.

I have held town hall meetings all across my district in Pennsylvania, and lead in children's toys remains a constant concern for parents. We need to know that our children are not playing with hazardous toys. We all know that lead poisoning can be extremely dangerous. According to the U.S. Consumer Product Safety Commission, lead poisoning in children is associated with behavioral problems, learning disabilities, growth retardation and even death.

As the holidays approach, this legislation is even more urgent. Requiring mandatory safety standards for nursery products and mandatory third-party testing of children's products will help stop the problem of lead toys before they hit the shelf. In addition, this legislation requires tracking labels to aid in recalls. I have been working with the CPSC to ensure that recalled items are removed from store shelves as quickly and as safely as possible.

My office has worked to make sure the public knows when there is a recall and how to take action. This holiday season, I urge all parents to check where the toy has been made and keep up to date with the recall e-mail notices provided by the CPSC. I am proud to offer my strong support for this critical legislation.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, today the House will take up legislation that, in the great tradition of the Energy and Commerce Committee, was reported out of the committee unanimously. I would have voted for it as well had I not been on the House floor presenting another piece of legislation. I want to commend Chairman DINGELL, Subcommittee Chairman RUSH, and Ranking Members BARTON and STEARNS for their great accomplishment.

This bill will develop a standard that will protect children from the dangers associated with lead exposure. It will create a national standard that is one of the strongest in the world and ensure that our toys are as safe as possible. This is an accomplishment that we all can be proud of. But let me point out that no one piece of legislation can make all the changes that we need at the Consumer Product Safety Commission. What we need to continue to look for are ways to further improve the CPSC.

We must ensure that the Consumer Product Safety Commission and the public get, and can appropriately use, information from manufacturers about the safety of their products. We must also ensure that the States have all the tools they need to permit them to fully assist the CPSC in its task because they will continue to be vitally important partners in enforcing the law.

Every day, Americans rely on the Consumer Product Safety Commission to protect them from dangerous products. To date, frankly, it has not done its job. This bill is the first step in changing direction and in making the CPSC the effective agency the American people expect and deserve. I know this will be a continuing effort on the part of the committee, and I look forward to working with my colleagues on that committee in a bipartisan way, I hope, to ensure that we achieve this goal.

Mr. RUSH. Madam Speaker, I yield 2½ 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. I thank the distinguished gentleman.

Madam Speaker, this is the holiday season. For many of us, this is Christmas. And I believe we owe a debt of gratitude to the Energy and Commerce Committee, Mr. RUSH; the chairman of the full committee, Mr. DINGELL; all of the people who worked so hard; Ms. DELAURO who is not on the committee but who worked hard on this issue; and my good friend from Texas (Mr. BARTON) who today declared an enormous Christmas gift. He said the President is going to sign this in near order. Maybe it will be tonight or tomorrow, and we will come back with our Santa Claus hats on. I chair the Congressional Children's Caucus, and this is a mighty important step going forward.

I am delighted to be an original cosponsor of H.R. 4040, and I am really pleased that we responded immediately in an emergency posture. Can you imagine, Mr. RUSH, listening to a member of the Consumer Product Safety Commission saying, ''We need no more resources, everything is well.'' And can you imagine parents as they push the wee hours of the morning, of course not them, working with Santa, to get toys for their children, to be able to have to question whether these toys are safe? In fact, in my own district, I am hearing that parents are questioning, and the purchases of gifts are down, toys are down because they just don't know what is safe.

This is a good bill. It instructs those who are dealing with children that there has to be important oversight. I am working, as well, and hope that as we move forward to expand the responsibilities of the Consumer Product Safety Commission that we will also look to language that I have in legislation that I have filed, or will be filing, dealing with the prohibition of imports of children's products without third-party testing for certification.

This kind of oversight is crucial. Lead kills. So many times we have fought against lead in housing and fought against various, if you will, owners of apartments. Many times we have waged a battle against lead in our public housing, section 8 housing or dilapidated housing that many poor Americans have to live in. We have fought against that. Lead kills. Lead is poison. But can you imagine that right under our very noses we had goods and toys that, in fact, our children bought or their family members bought and they played with that would kill?

H.R. 4040, I believe, will save lives. It is an important statement. It is a holiday statement. It is an important statement to indicate that children of America are first. I ask my colleagues to support it.

Mr. RUSH. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I just want to take a moment to commend the work of the staffs on both sides of the aisle. We have a dedicated, hardworking staff that has done tremendous work over the weekends and into the wee hours of the morning. They have made it possible for this outstanding bill to come before this Congress for the American people. I want to commend them for their outstanding work.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. I want to thank the gentlemen, both the chairman and the ranking member of the subcommittee and the ranking member of the full committee, for this very important legislation.

My reason for speaking is simply to inform you of what you may already know has taken place on the bill that we voted on the other night. The commission had a budget of $62 million. The President's request was $63 million. During our hearing process, our subcommittee oversees the agency, we were shocked to hear from them that they didn't need any more money. In the middle of such a crisis, they were the only agency in the Federal Government saying, ''Don't give us any more money.''

Well, understanding the need and within the limited resources, we went from this year's $62 million to a full $80 million, and I wish it could have been $280 million. The purpose of my comments is to remind both sides that since we increased the dollars by $18

million, it was a message that we were all sending that we understand the need to take care of these issues and to react in a very positive way. And so it falls on us now to be very vigilant to make sure that they do the work that they are supposed to do.

There is nothing more important in my opinion at this present moment than to ensure the American people that products that are coming into this country and products that are being produced in this country are safe and proper for their children, for their families. We can do it through this bill. We can do it through the appropriations that we had the other night. I thank all of you again for being very vigilant in this kind of work.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 3 minutes.

Mr. BARTON of Texas. Madam Speaker, I already complimented the majority on their process. I also want to compliment the majority and the minority on both sides on the policy. This bill has the toughest lead standards in the world for children's products. Let me repeat that. The bill before us has the toughest lead standards in the world for children's products.

It is phased in. The timetable may not be quite as aggressive as some of our consumer advocates would like it to be, but it is a fact that if this bill gets through the Senate, and I hope it will, the President signs it, and I know he will, we will have the toughest lead standards in the world for children's products.

It has a premarket approval process that is a major reform over the current practice, so that no product will be put into the marketplace until it has been adequately and aggressively tested before it goes to market. That is another major change from the current law.

The Consumer Product Safety Commission is a small agency. I believe it has less than 500 employees. But it is a very important agency. And I think it is important for the authorizing committees to do due diligence in their oversight and to also do due diligence in reauthorizing their agencies. I was very proud in the last Congress that for the first time in 14 years we reauthorized the National Institutes of Health and put in several major reforms.

I am glad in this Congress that we are working on a bipartisan basis to reauthorize the Consumer Product Safety Commission. I look forward, once we pass this piece of legislation, to work with the majority to take a look at the Federal Communications Commission. I believe it could use some reforms, too, and I know Chairman DINGELL and Subcommittee Chairman MARKEY have some of those same concerns that I have.

I urge a strong ''yes'' vote on this legislation.

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

□ 1430

Mr. RUSH. Madam Speaker, it is my pleasure and my privilege to yield such time as we have remaining to the chairman of the full committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Madam Speaker, I thank my distinguished friend for yielding to me.

I want to express my commendations to the chairman of the subcommittee, Mr. RUSH, for his outstanding leadership in this. I am proud, indeed, of your work here. I also want to say a word of praise to my dear friend, the chairman and the ranking member of the Commerce Committee, Mr. BARTON, and also Mr. STEARNS, who have served so well. Working with them has been a privilege and a pleasure. I want to salute them for what they have accomplished.

I also want to salute the staff. We have on this committee, on both sides of the aisle, a superb staff. I will not mention all of their names, but I do want to express my appreciation to Consuela Washington for the outstanding leadership she showed in the very difficult work that was done here. But that doesn't demean any member of the staff on either side of the aisle. They are superb, dedicated, wonderful public servants, and we owe them a great debt of thanks.

H.R. 4040 is a superb piece of legislation. Is it perfect? No. But it's as good as can ever be achieved in this place. It shows that the House of Representatives can work together, and in a 51–0 vote we have established that the Commerce Committee still carries forward its traditions of working well together and moving forward the business of the House in a proper, bipartisan fashion. In that, we may all, indeed, be proud. It shows a real vigorous collaborative effort by all members of the committee to craft a commonsense solution to the consumer safety problems that have received so much public attention in the past year.

We have developed, with input from government, consumer advocate groups and industry stakeholders, a bill which represents a comprehensive approach to improving consumer safety. Most importantly, the bill contains a very significant reauthorization, the first in 15 years at CPSC, and it gives that agency remarkably enhanced tools to enforce the compliance of both domestic and imported consumer products with laws and regulations that will enable the CPSC to do a much better job of protecting our Nation's people and our children.

I want to conclude, again, by thanking my good friends and colleagues who have worked so hard on this. I want to comment on the fine works of Representative DEGETTE, Representative SCHAKOWSKY, Representative CAPPS, and Representative HARMAN, who provided extraordinarily fine leadership to us as this matter went through the committee.

Again, I want to stress what a pleasure it has been to work with the chairman of the subcommittee, the ranking minority member of both the full committee and the subcommittee, and my gratitude to all of the members for the extraordinary way in which they have put together a piece of legislation in which this body may indeed be proud.

There will be some carping about the legislation, but I remind all that the perfect good is oft times the enemy of the good. We are moving forward speedily and well to protect our consumers in a proper fashion and to do so in a timely fashion and in a way which ensures not only the protection of the people, but the protection of the people in a timely and speedy fashion and a proper response to the concerns that all have set forward. I, again, thank my colleagues.

Mr. MARKEY. Madam Speaker, I commend Chairman DINGELL and Subcommittee Chairman RUSH for their intensive efforts to produce bipartisan legislation to overhaul a beleaguered agency, the Consumer Product Safety Commission, CPSC. As a tsunami of toxic toys flooded into our country and onto store shelves earlier this year, it became clear that the CPSC was unequipped to perform its vital mission—protecting the public from significant risks of serious injury or death from toys and other consumer products under the agency's jurisdiction. Chairman DINGELL and Chairman RUSH moved swiftly to respond to this crisis of confidence in the CPSC, holding important hearings that exposed major weaknesses at the agency, including an under-resourced and demoralized staff, a lead standard that enabled unsafe lead content in children's products, weak leadership provided by Acting Chairman Nancy Nord and other problems that made the CPSC the ''Can't Protect the Safety of Children'' agency. I congratulate my distinguished colleagues for their work.

When the Energy and Commerce Committee considered this legislation yesterday, I voted for it. H.R. 4040 mandates many important improvements at the CPSC and includes much-needed increases in resources for the Commission. Specifically, the bill:

Bans lead beyond a minute amount in products intended for children under 12.

Requires mandatory safety standards for nursery products, such as cribs and high chairs.

Mandates that the CPSC examine the current voluntary safety standards for toys, starting with dangerous magnets, and if found to be inadequate, requires mandatory standards to be adopted.

Significantly increases CPSC resources to hire additional staff and for laboratory renovations, including $20 million to modernize the testing lab. The bill allots $80 million for FY2009, $90 million for FY2010 and $100 million for FY2011.

Prohibits the export of products that violate U.S. consumer product safety rules, are subject to mandatory or voluntary recalls, are designated an imminent hazard to public health and safety, or are designated as a banned hazardous substance. Similarly, the bill makes the domestic sale of such products a prohibited act.

Bans CPSC commissioners and staff from accepting trips paid for by an organization regulated by the CPSC.

While this legislation contains urgently needed reforms, I hope that additional enhancements can be made as the bill moves through the legislative process. During committee consideration, I offered two amendments that I believe would have further strengthened this legislation. My first amendment would have created a ''Public Right To Know'' at the CPSC. In 2000 and again in 2003, the CPSC documented cases of children suffering intestinal injuries after swallowing small but powerful magnets that had fallen out of toys. The public didn't know, and the CPSC did nothing. By mid–2005, after more reports of safety concerns associated with the magnets and two reports of life-threatening injuries, the public still didn't know, and the CPSC still did nothing. On Thanksgiving Day 2005, Kenny Sweet died after swallowing magnets that had fallen out of Magnetix toys. And it was only then that the CPSC finally started to pay attention—but it wasn't until the following March and an additional 4 children were hospitalized with injuries that CPSC reached an agreement with the manufacturer to issue a partial recall, and the public finally got an inkling of what was going on.

The fundamental problem, even with the positive changes made by Section 206 of this bill—Publicly Available Information on Incidents Involving Injury or Death—is that right now, the only product information one can find on the CPSC Web site is information about products that CPSC has been both able to investigate and get manufacturers' approval to release, or information that does not identify which specific products are causing problems and is therefore of no real use to consumers.

My amendment was very simple. It required the CPSC to create a publicly searchable database that would allow consumers to access specific reports CPSC obtains from doctors, hospitals or other individuals of serious injury or death, or risk of serious injury or death that may be due to a faulty or unsafe product. In addition, manufacturers were required to send similar allegations they receive to the CPSC for publication in the database. The language also required CPSC to include a disclaimer that states that each report is provided for informational purposes only and that the commission has not investigated the report and cannot vouch for its accuracy, so that no one would confuse a single report from a consumer with a formal recall by the CPSC.

My amendment was developed to empower the public by enabling mothers and fathers to find out whether a product they might buy for their child might pose a risk—without waiting the months or years it could take for CPSC to take action. Although the committee did not approve this amendment, I hope that such protections can be added as this legislation moves forward.

My second amendment would have restored the CPSC's authority to investigate accidents occurring on rides located at amusement parks. While CPSC has the authority to investigate rides that are transported to carnivals and county fairs—and 15,000 other categories of consumer products that can endanger consumers—there is no Federal regulation of rides located at amusement parks.

A recent Washington Post report contained an extensive, front page investigation of the dangerous consequences of this regulatory black hole. It is entitled ''On Thrill Rides, Safety Is Optional—No Federal Oversight of Theme Parks.'' I recommend this important article to my colleagues.

My amendment was developed to put an end to a special interest loophole that prevents Federal consumer safety experts from investigating serious and sometimes fatal accidents even when they believe action is merited. As a result of this loophole, children and other ride enthusiasts are put at risk of serious injury and even death due to the absence of any Federal regulation. States are left to monitor the safety of these rides, and 23 States do not even permit State authorities to investigate accidents that occur at fixed-site amusement park rides within the State.

Some argued that State regulation is sufficient. I disagree. I received a letter from a former senior executive in the amusement park industry who also served as a board member for the International Association of Amusement Parks and Attractions, IAAPA—the amusement park industry's trade association. This individual was closely involved in the effort in 1981 to carve out the loophole for fixed-site rides that my amendment would have closed. In his letter, he wrote: ''Insurance programs mandated by States or maintained by the operating amusement park companies are often touted as assuring ride safety but many of these programs have gaping holes rendering the programs essentially meaningless. Some State licensing or inspection programs were created to serve not the public, but the industry, providing an illusory aura of safety. I now believe that I was wrong 25 years ago and that the industry should be regulated.''

As this industry insider has now admitted to himself, the time has come to stop using the good intentions and vigorous safety efforts of a few—be they an active State, a particularly attentive company, or even a past board member of the industry's trade association—to cover up the negligence, unsafe practices, and manufacturing defects that are routinely maiming and killing children and adults on rides. Thousands of people are injured every year on these rides, and people die on them every year.

My amendment did not mandate the creation of a new fleet of CPSC amusement park inspectors who would be required to fan out across the country to check every amusement park ride. My amendment merely permitted the CPSC—whenever it believed that the public safety would be served—to investigate accidents at amusement parks, share information with operators of rides across State lines, compile statistics that help inform consumers about safety risks and take similar actions to protect the public. Under current law, the hands of CPSC inspectors are tied when it comes to rides at amusement parks, which are off limits to Federal safety regulators. My amendment simply would have freed these inspectors to investigate these rides, when CPSC believes it is warranted. There are now about 90 safety inspectors, some of whom currently investigate accidents at carnival rides—these inspectors and others to be added under this bill—should be permitted to check the safety and investigate accidents at amusement parks.

I am pleased that Chairman RUSH committed to holding a hearing on this important issue, and I hope that we will soon close the roller coaster loophole, which continues to put children at risk when they board rides at amusement parks around our country.

As this bill proceeds, I also hope that there will be advancements in several other areas, including raising the cap on civil penalties for safety violations, improving pre-market testing of toys and other consumer products, and eliminating industry's ability to prevent disclosure to the public of significant safety risks by tying the commission up in Federal court.

Madam Speaker, I again commend Chairman DINGELL and Chairman RUSH for their work on this important bill, and I look forward to working with them in the future on the important consumer protection issues facing our country.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Consumer Product Safety Modernization Act, H.R. 4040. Like all products of compromise, it does not contain everything all of us would have liked. But it is a positive step forward in an area of public policy crying out for reform, and I am glad we are able to make this progress today.

Given recent press reports about unsafe levels of lead in children's toys, this legislation appropriately establishes the toughest lead standard in the world when it comes to children's products. Additionally, while not going as far as it ultimately should, H.R. 4040 subjects a much broader range of products to independent, third-party review.

I am also pleased that the Consumer Product Safety Modernization Act reverses the recent underfunding of the Consumer Product Safety Commission, CPSC, by increasing its authorization to $100 million by FY 2011—including an additional $20 million to modernize the CPSC's testing lab. It is neither reasonable nor responsible to task an agency with a job as important as protecting the public health without providing the resources necessary to accomplish that task.

Finally, this bill takes concrete steps to improve public notice of product recalls and strengthen enforcement against bad actors in the consumer market.

As we begin discussions aimed at finalizing this legislation with the Senate, I hope we will be able to make additional improvements to this bill by broadening the scope of mandatory product testing, enhancing families' right to know, and including robust whistleblower protections for those courageous enough to Bring serious safety hazards to light.

Madam Speaker, the Consumer Product Safety Modernization Act is a good start. I look forward to working with my colleagues to achieve the strongest possible consumer protection legislation in the months ahead.

Ms. MATSUI. Madam Speaker, I rise today in strong support of H.R. 4040—the Consumer Product Safety Modernization Act of 2007, not only as a Member of Congress, but as a grandmother as well. As I prepare to spend the holidays with my grandchildren, Anna and Robby, it makes me pause to consider how this legislation will benefit them and the children and grandchildren across the country. This year we have witnessed an unprecedented number of dangerous toys and products make their way to the shelves of American stores, resulting in thousands of recalls and Safety warnings. We cannot allow this trend of unsafe products in our homes to continue. Congress must act.

The bill before us today, which I am proud to co-sponsor, will improve the ability for the Consumer Product Safety Commission, CPSC, to protect the American public from unsafe products. The CPSC has the enormous

task of monitoring approximately 15,000 types of products. Over 27,000 deaths and 33 million injuries are associated with consumer products each year. We must ensure that the CPSC has the resources and authority necessary to ensure that the toys and products that we buy for our loved ones are safe. This legislation does precisely that.

The Consumer Product Safety Modernization Act takes a number of important steps to keep our children and grandchildren safe. For the first time, we will have a standard set for levels of lead in children's products. This will be one of the most rigorous standards in the world. It will also increase civil penalties against manufacturers of hazardous products, and establish a third-party certification and testing system for children's products. These and the many other provisions contained within H.R. 4040 will provide the CPSC with the tools required to monitor the evergrowing number of products under its jurisdiction.

Created in 1973 during the height of the consumer movement, the CSC was unfortunately downsized during the 1980s. It has never recovered from those changes, and has not been updated since 1990. Today's legislation will also expand the authority of the CPSC to ensure that only safe toys and products are in our stores and homes.

The CPSC exists to protect Americans from harmful products. We expect that consumer products have been adequately screened and deemed safe before they hit the shelves of our stores. Only by updating the CPSC and expanding its authority can it's mission be accomplished in today's globalized market. Public safety must always trump other concerns. The generations of lawmakers that have gone before us had the wisdom to invest in this agency, and it is now our responsibility to modernize and make long overdue improvements to the CPSC that will keep American families safe and restore faith in the agency.

I want to congratulate Chairman DINGELL and the rest of the Energy and Commerce Committee for their hard work on this bill. The legislation that we are considering today has enjoyed strong bipartisan support, clearly demonstrated by its unanimous approval by the full committee. I hope that the House will come together in a similar bipartisan way to advance this important bill.

Ms. ESHOO. Madam Speaker, I rise today in support of H.R. 4040, the Consumer Product Safety Modernization Act.

This has been called the ''Year of the Recall'' because there's been a complete failure by the Consumer Product Safety Commission to keep harmful and sometimes lethal products from getting on the shelves. Red tape, lax enforcement, and a shortage of resources at the CPSC have contributed to the recent recalls. It's not a coincidence that 25.6 million toys were recalled from stores in fiscal year 2007, compared with only 5 million toys in 2006. Things are falling through the cracks at the CPSC, and it's the American consumers, especially children, who are suffering.

It's become glaringly obvious that we can't rely on manufacturers to police themselves, we need to give our chief consumer regulatory agency the authority and the resources to get unsafe products off the shelves.

This bill is a significant improvement in product safety from the way we're operating now. It provides additional funding to the CPSC and bolsters the commission's ability to test and identify dangerous products. It also authorizes State Attorneys General to bring action on behalf of their residents to enforce federal consumer safety rules.

H.R. 4040 reduces lead levels in children's products, but in my view it doesn't go far enough. The amendment I offered in committee would have brought lead levels to 40 parts per million, the standard recommended by the American Academy of Pediatrics. It's my hope that the CPSC will take seriously its authority to adopt a more protective standard if it makes the determination that it is feasible and protective of human health.

I'm proud that my amendment to give the CPSC mandatory recall authority is included in the bill. This is an important tool for the CPSC to wield against the most nefarious companies who resist a recall of their faulty products.

I support this bipartisan bill to protect American consumers, especially children, and ask my colleagues to support it as well.

Mr. CUMMINGS. Madam Speaker, I rise today to share my strong support of H.R 4040, the Consumer Product Safety Modernization Act. As we near the end of the holiday shopping season, the critical nature of this legislation cannot be overstated.

2007 truly has been the Year of Toxic Toys, and I join my colleagues, as well as parents across the nation in expressing extreme alarm at not only the number—more than 2 million—of toys that have been recalled, but also at the names that have been associated with them—Toys 'R Us, Fisher Price, and Mattel.

Madam Speaker, these are not just random toys being picked up at some dime store; these are toys being produced by popular, long-established companies whose names parents trust. Sadly, it appears that this trust may be misplaced.

Toxic levels of lead in the paint have been detected on the popular Thomas the Tank Engine. GHB—the date rape drug—was found in the popular Aqua Dots, at levels high enough to put children in comas. I could offer seemingly endless examples of the atrocities that have been lining the shelves of our toy stores—and of our children's bedrooms—with more regard being placed on profit over protecting children's health. But, Madam Speaker, I will focus instead on something more alarming than these toys themselves: how they are getting into the market in the first place.

Madam Speaker, we have an agency called the Consumer Product Safety Commission. Let me re-emphasize this—the Consumer Product Safety Commission.

Its name alone suggests protection against hazardous products, so how is it possible that parents are purchasing toys with 200 times the legal level of lead?

How is it possible, that more than two million toys were able to slip past this agency, which by definition is charged with being a watchdog for our—and our children's—safety?

The answer, Madam Speaker, is that under the current administration and the previous leadership in Congress, the CPSC has seen drastic cuts in funding. More disturbing than the lax oversight of safety is the chairwoman of the CPSC, Nancy Nord, voicing opposition to increased funding or authority.

I cannot say that I have met anyone who is opposed to getting more money—especially when the person in question is charged with an agency whose mission is so critical—and especially when this agency has one person—one person—assigned to testing toys.

Madam Speaker, only 15 inspectors are policing the hundreds of points of entry for our imported toys—and I might add that 80 percent of toys in the U.S. are imported from China. The CPSC has only 85 percent of the employees it had in 2004, and only half of the employees it had 30 years ago.

This is shocking to the conscience and completely unacceptable. If Ms. Nord and the CPSC are unwilling to do what they ought to do, we must step in and do it ourselves. Our young people's health and futures depend on it. With H.R. 4040, we are taking steps to protect our most vulnerable consumer: our children.

This legislation bans all but trace amounts of lead in toys and children's jewelry. It strengthens the CPSC's ability to notify consumers about dangerous products more quickly and more widely. It bans the importation of toys or other children's products that have not been tested and do not conform to U.S. standards—meaning no more toys containing the date rape drug.

And, although Ms. Nord did not want any monetary gifts, we will be stuffing the CPSC's stocking with much needed supplemental funding this holiday season.

In closing, I thank my friend and colleague, Representative RUSH for understanding the current crisis and for introducing this much needed legislation.

Madam Speaker, I encourage all of my colleagues to join me in supporting H.R. 4040. Let's come together to ensure that 2009 is the Year of Safe Consumerism.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the

Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Res. 893.

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

There was no objection.

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

Madam Speaker, as I said earlier, I have no problem with the rule. I do have a problem with the underlying bill, which provides the President with another blank check in support of his Iraq war policy, but I stated I think very clearly my concerns about that.

Other than a few closing remarks, I am going to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this matter was debated previously. It is obviously a critically important piece of legislation. I made some points about it before. I am not going to repeat my points at this time. I hope we can move to other very pressing matters before us today.

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

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

Madam Speaker, as of today, 3,893 of our bravest men and women have lost their lives in Iraq. Tens of thousands more have been wounded. They have lost limbs, lost their sight and suffered severe brain injuries. We have spent half a trillion tax dollars, none of it paid for. When is enough enough? When will this Congress finally reflect the will of the American people and begin to bring our men and women in Iraq home to their families? I hope it is today. I think it can be today.

As I mentioned earlier, Madam Speaker, in today's Washington Post the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the United States' military invasion of their country is the primary root of the violent differences among them and that the departure of ''occupying forces,'' their words, is the key to national reconciliation.

Madam Speaker, I include today's Washington Post article for the RECORD.

[From washingtonpost.com, Dec. 19, 2007]

ALL IRAQI GROUPS BLAME U.S. INVASION FOR DISCORD, STUDY SHOWS

(By Karen DeYoung)

Iraqis of all sectarian and ethnic groups believe that the U.S. military invasion is the primary root of the violent differences among them, and see the departure of ''occupying forces'' as the key to national reconciliation, according to focus groups conducted for the U.S. military last month.

That is good news, according to a military analysis of the results. At the very least, analysts optimistically concluded, the findings indicate that Iraqis hold some ''shared beliefs'' that may eventually allow them to surmount the divisions that have led to a civil war.

Conducting the focus groups, in 19 separate sessions organized by outside contractors in five cities, is among the ways in which Multi-National Force-Iraq assesses conditions in the country beyond counting insurgent attacks, casualties and weapons caches. The command, led by Army Gen. David H. Petraeus, devotes more time and resources than any other government or independent entity to measuring various matters, including electricity, satisfaction with trash collection and what Iraqis think it will take for them to get along.

The results are analyzed and presented to Petraeus as part of the daily Battle Update Assessment or BUA (pronounced boo-ah). Some of the news has been unarguably good, including the sharply reduced number of roadside bombings and attacks on civilians. But bad news is often presented with a bright side, such as the focus-group results and a November poll, which found that 25 percent of Baghdad residents were satisfied with their local government and that 15 percent said they had enough fuel for heating and cooking.

The good news? Those numbers were higher than the figures of the previous month (18 percent and 9 percent, respectively).

And Iraqi complaints about matters other than security are seen as progress. Early this year, Maj. Fred Garcia, an MNF–I analyst, said that ''a very large percentage of people would answer questions about security by saying 'I don't know.' Now, we get more griping because people feel freer.''

Iraqi political reconciliation, quality-of-life issues and the economy are largely the responsibility of the State Department. But the military, to the occasional consternation of U.S. diplomats who feel vastly outnumbered, has its own ''mirror agencies'' in many areas. Officers in charge of civil-military operations, said senior Petraeus adviser Army Col. William E. Rapp, ''can tell you how many markets are open in Baghdad, how many shops, how many banks are open . . . We have a lot more people'' on the ground.

On Iraqi politics, ''we have four to six slides almost every morning on 'Where does the Iraqi government stand on de-Baathification legislation?' All these things are embassy things,'' Rapp said. But Petraeus is interested in ''his 'feel' for a situation, and he gets that from a bunch of different data points,'' he added.

Even though members of the military ''understand the limitations'' of polling data, Rapp said, ''subjective measures'' are an important part of the mix. In July, the military signed a contract with Gallup for four public opinion polls a month in Iraq: three nationwide and one in Baghdad. Lincoln Group, which has conducted surveys for the military since shortly after the invasion, received a year-long contract in January to conduct focus groups.

Outside of the military, some of the most widespread polling in Iraq has been done by D3 Systems, a Virginia-based company that maintains offices in each of Iraq's 18 provinces. Its most recent publicly released surveys, conducted in September for several news media organizations, showed the same widespread Iraqi belief voiced by the military's focus groups: that a U.S. departure will make things better. A State Department poll in September 2006 reported a similar finding.

Matthew Warshaw, a senior research manager at D3, said that despite security improvements, polling in Iraq remains difficult. ''While violence has gone down, one of the ways it has been achieved is by effectively separating people. That means mobility is limited, with roadblocks by the U.S. and Iraqi military or local militias,'' Warshaw said in an interview.

Most of the recent survey results he has seen about political reconciliation, Warshaw said, are ''more about [Iraqis] reconciling with the United States within their own particular territory, like in Anbar. . . . But it doesn't say anything about how Sunni groups feel about Shiite groups in Baghdad.''

Warshaw added: ''In Iraq, I just don't hear statements that come from any of the Sunni, Shiite or Kurdish groups that say 'We recognize that we need to share power with the others, that we can't truly dominate.'

According to a summary report of the focus-group findings obtained by The Washington Post, Iraqis have a number of ''shared beliefs'' about the current situation that cut across sectarian lines. Participants, in separate groups of men and women, were interviewed in Ramadi, Najaf, Irbil, Abu Ghraib and in Sunni and Shiite neighborhoods in Baghdad. The report does not mention how the participants were selected.

Dated December 2007, the report notes that ''the Iraqi government has still made no significant progress toward its fundamental goal of national reconciliation.'' Asked to

describe ''the current situation in Iraq to a foreign visitor,'' some groups focused on positive aspects of the recent security improvements. But ''most would describe the negative elements of life in Iraq beginning with the 'U.S. occupation' in March 2003,'' the report says.

Some participants also blamed Iranian meddling for Iraq's problems. While the United States was said to want to control Iraq's oil, Iran was seen as seeking to extend its political and religious agendas.

Few mentioned Saddam Hussein as a cause of their problems, which the report described as an important finding implying that ''the current strife in Iraq seems to have totally eclipsed any agonies or grievances many Iraqis would have incurred from the past regime, which lasted for nearly four decades—as opposed to the current conflict, which has lasted for five years.''

Overall, the report said that ''these findings may be expected to conclude that national reconciliation is neither anticipated nor possible. In reality, this survey provides very strong evidence that the opposite is true.'' A sense of ''optimistic possibility permeated all focus groups . . . and far more commonalities than differences are found among these seemingly diverse groups of Iraqis.''

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to leave and a majority of the Iraqi Government wants us to leave and a majority of the American people want us to leave, then why on Earth are we still staying?

As I have said on a number of occasions today, what is contained in the underlying bill is a blank check. There are no restrictions on the tens of billions of dollars that we are going to give the President in support of his Iraq policy. There is no conditionality. There are no timetables for withdrawal. There is nothing. This is a blank check. We are into the fifth year of this war, and after all that we have seen, after all that we have been told that has turned out not to be true, it seems unbelievable to me that this Congress would vote for yet another blank check.

Madam Speaker, I urge my colleagues to reject this latest blank check, which essentially is in support of an endless war in Iraq, and vote ''no'' on the underlying bill. I ask for support of the rule.

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

The previous question was ordered.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Madam Speaker, pursuant to House Resolution 893, I call up the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 110–92 is further amended by striking the date specified in section 106(3) and inserting ''December 31, 2007''.

SEC. 2. Public Law 110–92 is further amended by adding at the end the following new sections:

''SEC. 160. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to the heirs at law of Julia Carson, late a Representative from the State of Indiana, $165,200.

''SEC. 161. Notwithstanding section 106, the authority to provide care and services under section 1710(e)(1)(E) of title 38, United States Code, shall continue in effect through September 30, 2008.

''SEC. 162. Notwithstanding section 106, the authority provided by section 2306(d)(3) of title 38, United States Code, shall continue in effect through September 30, 2008.''.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within to revise and extend their remarks on House Joint Resolution 72.

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

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I know the gentleman from California has to get to another meeting, so I will not take long. Everyone understands what this is. It is a continuing resolution that keeps the government open until the last day of the year so that the President can review other pending legislation.

I do want to just take one moment to bring to the House's attention the fact that a good and faithful servant of the House will soon be leaving this institution, John Daniel, who is sitting next to me and who, if he could, would wring my neck because I am even mentioning him.

John has served the Rules Committee, he has served the leadership, and he has served the Appropriations Committee for many years with extremely excellent judgment and extreme dedication to this institution. He is a strong institutionalist. There are a lot of people in this institution who demagogue the institution every day. John is not one of them.

I simply want to express my profound thanks to him for the service he has given the House in general and most specifically the service he has given to the Appropriations Committee. We hate to see him leave, but sometimes even the best of congressional staffers have a lapse in judgment. That is the only thing that can explain his departure in this case.

With that, I am ready to yield back when the gentleman is ready to yield back.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have said all I need to say about this bill except to echo the chairman's remarks regarding John's service.

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

Mr. OBEY. I yield back my time.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1445

TAX INCREASE PREVENTION ACT OF 2007

Mr. RANGEL. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Increase Prevention Act of 2007''

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking ''($62,550 in the case of taxable years beginning in 2006)'' in subparagraph (A) and inserting ''($66,250 in the case of taxable years beginning in 2007)'', and

(2) by striking ''($42,500 in the case of taxable years beginning in 2006)'' in subparagraph (B) and inserting ''($44,350 in the case of taxable years beginning in 2007)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking ''or 2006'' and inserting ''2006, or 2007'', and

(2) by striking ''2006'' in the heading thereof and inserting ''2007''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

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

This is an extraordinary time for those of us in the Congress, because a constitutional change is taking place that never was expected, and that is where the minority in the Senate can actually dictate to the House of Representatives exactly what they will and what they won't do. And so the whole question of whether or not the fiscal responsibility of supporting revenues for this bill is even going to be considered is something that we cannot expect the Senate ever to respond to because they need 60 votes in order to fulfill their Senate responsibility.

So what do we have on the floor today? We have the principle that most Republicans as well as Democrats have agreed to in the past, and that is that the time has come for us to be fiscally responsible.

Now, when the Congressional Budget Office has an item in this budget and it is called the alternative minimum tax and they put in that budget a receipt of $50 billion, it means to me and should mean to others that if you are going to delete that provision, you are deleting the $50 billion. And in order for the books to be balanced, as any family, any corporation, and I hope most intelligent and motivated countries, you raise the revenue to pay for it.

So this is not happening. The President says you don't have to pay for it. Go to the Japanese, go to the Chinese, borrow. And why should you pay? Let your children and your grandchildren pay for this tax relief that was never but never expected that it would hit these middle-class people.

Now, what are our options? We could stick to our fiscal guns. We could say the right thing to do is not to pass a bill that is not paid for. We could say that the taxpayers are not really entitled to the benefits of waiving the PAYGO rules. Or, we could say, why hold 23 million taxpayers hostage because of the irresponsibility of the minority in not being willing to pay for this, no matter how many alternatives we give them?

Well, we choose to say, protect the taxpayer. Forget the loopholes, forget the revenue losses, forget the indebtedness, at least for now, because we don't want those hardworking people, most of them hardworking couples with children and with deductions, to wake up in the morning and find there is a feud between the House and the Senate and the Republicans and the Democrats that would cause them to carry this burden. And the President says, remove it and don't pay for it.

Well, we come out on the side of the taxpayers, and we just hope that we can pass this suspension, get on with the protection, and then, in a responsible way, maybe the Republicans and Democrats in the House and Senate can deal with this in a more permanent way next year.

Madam Speaker, I hope that those that are listening come to the floor on this historic occasion as we hope that we can reverse the thinking in the House and the Senate in pay-fors.

Madam Speaker, I reserve the balance of my time.

□ 1500

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

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

Mr. MCCRERY. Madam Speaker, I compliment the majority on bringing this bill to the floor today to stop the alternative minimum tax from creeping further into middle-income families.

The effect of this legislation that we are considering today will basically freeze the AMT where it is. In other words, under the 2006 tax year, there were 4 million taxpayers that had to pay their taxes under the alternative minimum tax. This legislation will ensure that only those 4 million taxpayers, basically, will be paying taxes under the AMT and not an additional 23 million or so taxpayers at an average of about $2,000 per taxpayer. This is good news for those taxpayers. It is good news for the economy. At a time when many economists are worried about our economy going into a recession, now would be the wrong time for this Congress to endorse a tax increase, which is what would have happened had we done nothing.

So I compliment the majority in bringing this bill forward today and allowing the House an up-or-down vote on freezing the alternative minimum tax where it is.

Madam Speaker, anyone who has listened to the debate on this issue during the House's two previous considerations of an Alternative Minimum Tax "patch" for 2007 knows that this debate is about much more than just the alternative tax structure created in 1969. As has been repeatedly said by Members on both sides of the aisle, the Alternative Minimum Tax is a flawed tax, a mistake, unfair, and ripe for repeal.

I am pleased today that Congress is again limiting its impact, for the 7th year in a row, to only 4 million taxpayers. But, far more important than enacting the patch or preventing the reach of the shortcomings of the Alternative Minimum Tax, is the victory we have achieved today over a flawed fiscal policy.

The bill before us today is titled the "Tax Increase Prevention Act of 2007." It is properly named, as its enactment will prevent 21 million taxpayers from an average tax increase of $2,000 this year. But, this tax increase prevention pales in comparison to the tax increase that all federal income taxpayers, well over 100 million Americans, will face under the next President.

The debate over the past several months has been a warm-up act, a pre-game show, the "undercard," for the debate over the fiscal fork in the road the country will come to in 2010. On one side, clearly demonstrated by the initial vote on H.R. 3996, and the vote on H.R. 4351 last week, are those who believe the federal government needs more tax revenue. On the other side, mostly this side of the aisle, are those who believe the federal government already collects enough taxes from its people.

I hope this philosophical difference is understood as we move forward with debate on tax legislation next year, prepare for a great national debate during the 2008 elections, and engage during the 111th Congress over the largest tax increase in the history of civilization.

In those debates, proponents of the "paygo" rules that were successfully cast aside earlier today will cloak their arguments in terms of fiscal responsibility. They'll argue in moral absolutes and in righteous terms that the House's paygo system is sound budget policy. I beg to differ. Taken to its logical end, it is a recipe for economic disaster.

Over the past few months, the goal of the proponents of "paygo philosophy" has been simple—to increase taxes. If we had not been successful in defeating their efforts here, consider where the debate would go next. The next Congress and the next President will be debating a tax increase on married couples, a tax increase on families with children, a tax increase on death, a tax increase on investment, and a tax increase on savings. Every current federal income taxpayer, and even millions of Americans who currently pay no federal income taxes, faces a substantial tax Increase.

Let's be clear, the goal of paygo's advocates is to succeed in allowing all those taxes to increase, or to find other tax increases to replace them. At the end of the day, if you believe the federal government needs trillions more in tax revenue, you should oppose this bill, you should recommit yourself to "paygo," and you should be utterly disappointed that the House overwhelmingly rejected it today. As for me, I hope that Members will vote to support this legislation, and bury "paygo" in the graveyard of failed economic philosophies.

I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), a member of the committee.

Mr. KIND. Madam Speaker, this is truly a sad day for the institution of Congress in this administration when we have a minority number of Members in both the House and the Senate that are more interested in protecting a handful of hedge fund managers' ability to move millions of dollars offshore without paying their fair share of taxes and in order to protect the financial security of our children and grandchildren by paying for this AMT relief bill.

Make no mistake, everyone is in agreement that we want to stop the AMT from affecting 20-plus million Americans next year. The difference is our party wants to pay for it; they don't.

We have had the fastest and largest accumulation of national debt under Republican rule in the last 6 years, and they're saying that's not enough.

We are almost completely dependent on borrowing money from China to finance our deficit, and they're saying that's not enough.

The fastest growing area of spending in the Federal budget is interest payments on the national debt, and they're saying that's not enough. Let's pile on some more and let's leave this mortgage, this legacy of debt for our children to handle. I think that is a disgrace.

Mr. MCCRERY. Madam Speaker, to paraphrase the last speaker for the majority, it is his party that wants a tax increase. It is our party that does not want a tax increase. It is that simple.

Madam Speaker, I yield 2½ minutes to a distinguished member of the committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, let's just say what we're doing here. What this bill does is it prevents a tax increase. Now, we have different philosophies and we have different ideas on how to keep America moving forward between Republicans and Democrats, the minority and the majority.

What the majority is doing right here is they are waiving their own budget rules. They came in promising a new pay-as-you-go system, and here they go, as soon as the going gets tough, waive PAYGO.

I find it interesting that never during the course of this debate this year did the majority ever propose to reduce spending to offset this. They only proposed raising taxes. But here we are on the eve of the end of the year, preventing 19 million additional taxpayers from paying this tax increase.

Let's look at where we were at the beginning of this year.

Speaker PELOSI: ''After years of historic deficits, this new Congress will commit itself to a higher standard: pay as you go.''

The majority leader, and I think he will be consistent and vote against this particular bill: ''Our budget strictly adheres to the pay-as-you-go budget rules that were reinstated in January by the new majority.''

Our distinguished chairman of the committee: ''You've got to offset those tax cuts.'' So on and so forth.

Well, here we are and we are going to pass this by waiving PAYGO.

Now let me make it very clear, I disagree with the majority's PAYGO. The majority's PAYGO says let's just keep raising taxes. Well, two wrongs don't make a right.

This tax was never meant to be. This is a new tax increase on top of the Tax Code. It was never intended in the first place. This ought to be repealed, period. So I don't agree with this notion that this tax increase ought to just be replaced with some other tax increase, and that's the majority's position. They want the revenue from the alternative minimum tax, they just don't want to raise it through that tax so they have a different tax increase. That is bad economic policy.

At a time when economists are telling us we might be headed for a recession, at a time when they are saying a slowdown is on the horizon, the last thing the American people and the economy need is a tax increase. That's why this is an important bill. We have big tax increases on the horizon.

The distinguished chairman of the Ways and Means Committee is proposing an enormous tax increase, $3.5 trillion. They are proposing to get rid of all of those tax cuts that got us out of recession in 2003 in the first place, and they are proposing not to repeal the AMT but to replace it with even higher taxes on workers and small businesses. That is the wrong economic recipe for America. The right one is keep taxes where they are and control spending.

Mr. RANGEL. I am glad that the last speaker is so young and vibrant that he may be able to share with the President his views. It was never intended that this tax would hit the people. That's why for 7 years the President never did anything to remove it. He never expected it to hit the people. That's why every year except this year he put it in the budget and expected the $50 billion. No one ever expected this to exist. That's why the Congressional Budget Office says we should be getting $50 billion. This argument is so persuasive, I can't wait to get home to explain it to my creditors.

I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader, and thank him so much for the work he has done for the majority and, therefore, for the Congress and our country.

Mr. HOYER. Madam Speaker, I thank the distinguished chairman.

What an ironic argument my friend from Wisconsin makes. We said we were going to have a PAYGO rule. We have voted consistently for PAYGO.

We have paid for that which we have bought with 80 percent cuts and 20 percent increases in revenues.

What an ironic argument he makes that somehow now we are not following that because nobody on this floor believes that 19 or 23 million, take your pick, Americans are going to get a tax cut on which President Bush has relied in every budget he has sent to us except the year of that particular budget. But the revenues have always been relied upon in his budget numbers. You didn't change it. You were in charge for 6 years.

Ironic, because the only reason we have to do this tonight in this fashion and not ask the wealthiest in America, I don't mean people making $10 million, I don't mean people making $100 million a year, but people making $500 million a year, don't have to pay their fair share. That is what this is about. That is what we have been forced to on this day on this floor and in the other body. Because what is happening is what traditionally happens, the wealthiest and most powerful in America are protected on this floor from paying their fair share.

This is not about class warfare. This is about once again saying to the middle class, We are not here to protect you. We are here to protect the wealthiest in America from paying their fair share, which is what PAYGO is all about.

My young friend says that the economy is in trouble. The Democrats have not been able to pass one thing in the last 7 years to impact this economy. Not one. It is all on your watch, I say to my friends; all your watch.

And you told us in 2001 and 2003 if we passed your economic program and continue to follow that the economy would grow and expand, and now you say it is contracting and in trouble. I agree, it is. Why? Because your economic program is a failed program that took us from $5.6 trillion of surplus, four budget surplus years in a row, and has taken us deeply into debt and deficit. And yes, facing recession in the eye because your economic program is a failed policy.

And I am angry about it. Why am I angry about it? Because I have a great granddaughter who is 13 months old. I have a granddaughter who is 5 years of age, just starting kindergarten. And I have another granddaughter who is 21. She has a daughter, and I am worried about continuing to pursue this path of debt piled on debt, piled on debt, piled on debt.

The only reason this bill is not paid for is because Republicans, in lockstep almost, in both bodies, have precluded us from paying for this, which everybody wants to do, and that is to relieve the tax burden on those who are confronted with a tax that everybody agrees was not meant for them. It was meant for the wealthy.

So who is being protected by this? The wealthy, whom this tax was intended to hit.

So when you get up here and tell me nobody intended the tax to hit, that is correct. But the people you are protecting are the people it was specifically intended to impact, to pay their fair share, not to run offshore and avoid taxes, not to have their taxes computed at 15 percent while all of us pay 35 percent. That's what this is about.

Ladies and gentlemen of this House, what we do tonight I will not support if we do it. I have a lot of people who live in my district who will be confronted with the alternative minimum tax. I don't want them confronted by the alternative minimum tax. But if we are going to continue to buy, if we are going to do what we will do later tonight, part of the $196.4 billion that you're spending of the legacy of those children that I just mentioned of mine, which you are not going to pay for, and you said this enterprise will cost $60 billion.

This administration has been a failed administration economically and a failed administration fiscally. But you continue to pursue these policies, and we are forced today to recognize that

we don't have the votes to pursue the pay-as-you-go principle that we adopted in a bipartisan fashion in 1990, we reaffirmed with many of you voting for it in 2007, and which you abandoned in 2001. And deep deficits and now economic recession facing us is the result.

I don't urge my colleagues to vote for this bill as I usually do when we bring something to the floor. This is on suspension not because we believe, in my opinion, many of us, that this is good policy, but because we are faced with two stark alternatives: A President who will veto paying for things that we buy, a President who will veto this bill if it is paid for, responsible fiscal policy; and a Senate that will not vote with us and, frankly, House Republicans who won't vote for this. But we can pass it here, as we did twice. Twice we have passed this fix, and we have paid for it.

This is a sad day for America. It is a sad day for my three grandchildren and my great granddaughter, 13 months of age, on whom we will pile an additional $80 billion of debt with this vote tonight if it passes. So $50-some-odd billion and then the interest to follow, she will have to pay that.

We ought to pay our bills. We talk about personal responsibility. We ought to have the personal responsibility in this generation to pay for what we buy. I regret this day and this bill.

Madam Speaker, I believe that every single Member of this body—on both sides of the aisle—agrees that we must protect middle-income Americans from the Alternative Minimum Tax, the parallel tax system enacted in 1969 to ensure that wealthy Americans pay their fair share.

The question that divides us is this:

Will we enact a fiscally responsible 1-year patch to the AMT that prevents 23 million Americans from paying more in Federal income taxes under the AMT than they otherwise would pay under our standard tax system?

Or, will we take the easy route, the politically expedient route, the fiscally irresponsible route, and enact an unpaid-for, 1-year patch that tacks another $50 billion—yes, $50 billion—onto the deficit and debt, and immorally forces our children and grandchildren to pay our bills?

For months, Democrats on both sides of Capitol Hill have fought to do the right thing—to enact a fiscally responsible AMT patch that is paid for by, among other things, closing a tax loophole that permits many of the wealthiest people in our Nation from denominating their income as "capital gains," and thereby allowing them to pay the 15-percent capital gains tax rate rather than the higher marginal income tax rate.

Time after time after time, House and Senate Republicans rejected our "pay-fors," and demanded that we take the fiscally irresponsible route—and enact an AMT patch that adds $50 billion to the national debt.

Madam Speaker, there is no small irony in the fact that the President and his Republican allies in Congress have fought all year long to prevent Democrats from adding $23 billion in funding for domestic priorities while they have no compunction about voting to add $50 billion to the deficit and debt.

No small irony. Only gross irresponsibility.

Let no one be mistaken: The Republican position on the AMT is part and parcel of an almost theological belief in supply-side economics that is demonstrably false.

The Minority Leader, Mr. BOEHNER, recently stated: "Tax relief pays for itself."

And, the President himself has stated: "You cut taxes, and the tax revenues increase."

The facts, however, show otherwise:

In the last 7 years, the Republican party's economic policies have erased a projected 10-year budget surplus of $5.6 trillion, instigated record budget deficits, and added more than $3.4 trillion to the national debt.

As my good friend, Congressman TANNER of Tennessee, recently pointed out: Since President Bush took office, the gross national debt has increased by $1.37 billion per day; $57 million per hour; and $948,907 per minute.

This, of course, is the record of a President and Republicans in Congress who pretend that they are "fiscally responsible."

And today, they don't bat an eye at adding another $50 billion to the debt.

Madam Speaker, our Nation is on a perilous course.

Just listen to our non-partisan Comptroller General, David Walker, who stated last year: "Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security."

Democrats recognize the danger of continuing on this unsustainable fiscal path—and in one of our first acts back in the majority, we reinstated the Pay-As-You-Go budget rules that Republicans formerly supported and which are credited with restoring fiscal discipline in the 1990s.

Today, we will protect 23 million middle-income Americans from bearing the brunt of the dreaded AMT—a tax they should not pay, a tax that must be permanently reformed.

And we should also be passing a fiscally responsible AMT patch that is revenue-neutral—a position supported by the President in his budgets.

However, it is regrettable and, yes, shameful that we will not be doing so because the President and his allies in Congress have insisted on political expedience and fiscal irresponsibility.

Mr. MCCRERY. Madam Speaker, I wish you would urge the previous speaker, the majority leader, not to give up on his desire for fiscal responsibility.

□ 1515

All is not lost because of this bill. There are many of us on this side of the aisle who want to work with him and others to plot a fiscally responsible path for the United States Government. That would include entitlement reform, spending savings, as well as tax reform. So I hope he doesn't give up, and I hope he will work with us in the future to achieve that.

At this time, Madam Speaker, I would recognize the distinguished gentleman from New York, a member of the Ways and Means Committee, Mr. REYNOLDS for 2¼ minutes.

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

Mr. REYNOLDS. Madam Speaker, we're talking about the young age of my colleague and fellow seat mate in Ways and Means. I'm a little older, so I heard the President when he said, There they go again. Ronald Reagan. I heard him, and it kind of reminded me today as the liberals of this great body and the Blue Dogs of this great body come down and rant and rave over the fact, while they run the House, we're going to have the will of the House, and the will of the House is to fix the AMT for a 1-year patch, just like we've done in the past. Not an unusual fix.

The last time I introduced this legislation, in 2005, 414–4 voted to support that bill. As a matter of fact, I looked and there were 33 Blue Dogs, some of which will speak today, that voted for my bill. And I promise you it didn't raise taxes. It just simply provided a 1-year patch for 2006 to give relief to the middle-class taxpayers that never were supposed to be caught up with this thing since it was created in 1969.

And so when we look at this today, we've got a blame game from everybody saying, hey, it's the Republicans in the Senate, it's the Republicans here, the Republican President.

The Democrats run the House. We're here right before the holiday, and this is the best bill you've got and we're going to pass it. We're going to pass it just like I knew when I put it in in February, that all of the talk, all of the hope, all of the desire to change comes down to the fact we couldn't do it.

And it gets me down to three words, deny, deceive and delay. Deny that you would raise taxes. You've already outlined how you're going to raise taxes. Deceive, you promised the American people you'd fix this permanently. And we're here today, at this late hour, doing a patch.

And then we look at delay. For 11 months, we have delayed this to where we could have fixed it so that the American taxpayer would at least have the forms when the 2007 tax bill comes home.

I urge a "yes" vote on this legislation.

Mr. RANGEL. Madam Speaker, I have two requests. One, that Dr. MCDERMOTT, one of our most expert legislators, who is trained as a psychiatrist, be given the opportunity to try to bring some reasonableness to the last speaker's remarks for 1 minute.

And also, that I be allowed to yield the balance of my time to the chairman, RICHARD NEAL, of the Select Committee on Revenues, who had the responsibility of guiding us through the alternative minimum tax.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

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

Mr. MCDERMOTT. Perhaps, Mr. Chairman, the best way is to recite a

poem, maybe to lower the temper in here.

'Twas the night before Christmas,
When all through the House,
Every tax lawyer was stirring,
Even the hedge fund's spouse.
The stockings were hung by the chimney with care,
In hopes that AMT relief soon would be there.
The children were nestled all snug in their beds
While visions of health care and surplus danced in their heads.
The Speaker with gavel and Bush with his pen,
And Republican Visa cards on the mend,
Blue Dogs, debt and dollar in decline,
Our fiscal sanity all on the line,
''Away with PAYGO'' the Republicans cheer,
Sack the children with debt, year after year.
Our majority too slim to beat a veto,
The luster of debt is all the minority know.
When what to my dismayed eyes should appear,
The upcoming election year.
New Hampshire is close and the caucuses near,
It won't be long before the voters make clear.
We only have 397 more days of this administration.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from California, the ranking member of the Trade Subcommittee of the Ways and Means Committee, Mr. HERGER.

Mr. HERGER. Madam Speaker, the alternative minimum tax was never meant to reach down and ensnare middle-class taxpayers. It does so because it was never indexed for inflation. The AMT was created in 1969 to capture 155 of the wealthiest taxpayers in America. If we don't pass this legislation today, it will increase taxes on not 155, but 23 million mostly middle-income families this year. A clean AMT patch is the right policy for taxpayers. There are no new taxes in this bill to comply with the so-called PAYGO tax increase budgeting. PAYGO can't control spending, and it really only makes tax relief virtually impossible. So I'm pleased that we're not falling for the PAYGO trap on this temporary patch.

No new taxes also means that we're not dipping into the economy for revenue. This is good, since we're facing rough economic waters due to the mortgage situation. Although I'm concerned our delay in passing this patch could result in added waiting time for tax returns from the IRS, this inconvenience is minor compared to the alternative, tens of billions in new taxes to offset temporary tax relief.

I strongly support House passage of this clean AMT patch and urge an ''aye'' vote.

Mr. NEAL of Massachusetts. Madam Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts has 12½ minutes. The gentleman from Louisiana has 11¼ minutes.

Mr. NEAL of Massachusetts. I yield myself 1 minute, Madam Speaker.

Madam Speaker, my friend, the gentleman from New York, said the Republicans are blamed for this and the Republicans are blamed for that, and the Republicans are blamed for this. Let's make it clear. They ought to be blamed for this. It is the Republicans in the Senate, it's the Republicans in the House, and it's the Republican at the White House that have caused this moment. They want to borrow the money. They talk about finding common ground. The easiest loophole to close that I have been part of in the last 19 years is the one that we've offered on this floor for wealthy hedge fund managers who hide money on the island nations to avoid taxes. We're asking them to pay for a middle-class tax cut for 23 million people.

Let me repeat: The Republicans in the House, the Republicans in the Senate, and the Republican at the White House, they have all opposed that measure. That's why we're here today at this moment to get this done.

It has been their intransigence and their unyielding position on insisting that this money be borrowed when the minority has had its day in this House of Representatives. That's why we're here, and that ought to be eminently clear to the people that are watching today.

Madam Speaker, I reserve the balance of my time.

Mr. MCCRERY. Madam Speaker, I appreciate the gentleman giving Republicans total credit for stopping a $50 billion tax increase, but he's really way too humble. This bill wouldn't be on the floor today were it not for the consent of the majority.

At this time I would yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, the truth is that this $50 billion that we're now prohibiting being collected from 23 million new American families next year isn't our money. It's their money. It's not money that we have this year. Now, it's money that we said at the first of this year we never want to collect from these families, but then we decided we immediately wanted to go right ahead and spend it.

That's the real fallacy here. Whether the White House makes that mistake or the legislature makes that mistake, we have no right to this money.

As my good friend from Massachusetts said, Republicans oppose raising taxes. Now, because of that, our friends on the other side kept putting this issue off, and because of that, when it comes time for Americans who aren't impacted by the alternative minimum tax at all to get a refund, their refund is going to be slowed up. This should have been done 6 months ago. But we are getting it done today. We need to move forward in a way that doesn't let this continue to be a pattern.

This tax was put in place in 1969. Unfortunately, it's still affecting the same families that were affected in 1969. But no modification for inflation. No forward thinking.

It was made worse in 1993. Republicans in the House, and some Democrats, voted to repeal this tax in 1999. And that's the best answer.

We need to get on to how we eliminate this unfair tax. It doesn't do what it's supposed to do. And we have no claim on this money. Acting like we do, spending it in advance, waiting till the last minute to do anything to protect these families was bad management. But we are getting the job done today of protecting these families.

Madam Speaker, I'm glad we're doing that.

Mr. NEAL of Massachusetts. Madam Speaker, we're debating theology here today, as opposed to reality.

With that, I would like to recognize the gentleman from Michigan, a member of the Ways and Means Committee, Mr. LEVIN, for 1 minute.

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

Mr. LEVIN. Madam Speaker, it's interesting to listen to the minority. They don't defend this tax loophole. No one has gotten up and said people who should pay their taxes aren't paying those taxes and so it's okay. That's really what you're saying. You're saying it's a tax increase when you go after people who should be paying their taxes. It's absurd. It's carrying a political label to an absurd level, and unbelievable.

I suppose if we give more money for the collection of taxes for people who owe them who don't move offshore, that's also a tax increase?

You're hiding behind a label. What you're doing is saying, once again, when there's a hole of debt, dig it deeper.

This has become the theater of the absurd.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from Michigan, the ranking member of the Health Subcommittee of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. Madam Speaker, they say it's better to be a day late than a dollar short. In this case, however, the majority party is over a month late, costing taxpayers $75 billion.

As I listened to some of the previous speakers on the other side, just because they can't deliver on their promises, somehow it's our fault. But by postponing action on legislation to exempt 23 million Americans from paying the alternative minimum tax, the majority party has caused taxpayers, both those affected by the AMT and those who are not, to have their refund checks significantly delayed.

When Republicans were the majority party during the last Congress, we got our work done and fixed the AMT exemption amounts in May. As a result, no taxpayer funds were delayed. No additional taxpayers were forced to pay the AMT last year.

This year, under their majority, 23 million Americans will be subject to the AMT. Last year under a Republican

majority, 4 million Americans would have paid the tax.

The sad part is 23 million Americans should not have to pay the AMT.

□ 1530

They could have been shielded if the Democratic-controlled Congress was able to finish its work on time.

The Senate has already passed a 1-year AMT fix that did not include tax increases. They passed this legislation almost 2 weeks ago, and instead of immediately taking up this bill, the House Democrats have insisted the legislation include billions of dollars of permanent tax increases just to maintain current tax law and tax rates.

I'm glad the majority party in the House has finally seen the light of day.

And despite being much more than a day late and far worse than a dollar short, I'm pleased the House is finally getting around to passing this critical legislation, and I urge my colleagues to support the bill before us.

Mr. NEAL of Massachusetts. Madam Speaker, at this time, I yield 1 minute to my classmate, my friend and a champion of the taxpayer, a member of the Ways and Means Committee, Mr. TANNER from Tennessee.

Mr. TANNER. Madam Speaker, as slow as I talk, I'll talk fast.

No political leadership in the history of this country has done what these people have done at the White House and here in the Congress in the last 6 years. When they say they oppose raising taxes, let me tell you, they have placed the largest adjustable rate mortgage on the American people in the history of humankind.

Just in the last 72 months this country has borrowed more money in a shorter period of time than ever in its history. We're presently borrowing from foreigners a little over $20 million an hour.

When in the name of all that is holy are you going to stop? We are trying to pay our bill and you won't let us. The Republicans in the Senate won't let us.

When you place a $50 billion debt on every man, woman and child in this country to protect less than 10,000 people who are exploiting a tax loophole, and this is exactly what's happening here, when in the name of all that's holy are you going to quit? When China forecloses us?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. MCCRERY. Madam Speaker, at this time I yield 1½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), the distinguished ranking member of the Select Revenue Measure Subcommittee.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I'll keep my remarks brief and submit the bulk of my remarks for the RECORD where they contain economic analysis and no theology, so they may be out of place in this floor debate.

It's been fascinating to listen to the lecture that we've heard about failure. The failure that is on display here is the failure of this majority to fix the AMT as they promised or even to patch it in a timely fashion.

We are voting today on a bill that we should have voted on 4 to 6 months ago and easily could have, and the blame here, if there is to be any blame, is on the other side for having passed a budget that was built on quicksand, that was balanced based on revenues from applying the AMT to 23 million mainly middle-class families. And every one of them that voted for it voted to do it.

They took PAYGO and they made a burlesque of it. What they have been doing up until this point is trying frantically to hold the AMT crisis that they created as a hostage in order to drive higher taxes. They've been using the AMT issue as a locomotive for a tax increase that is unnecessary and is inappropriate, particularly if, as the majority leader feels, the economy might be slowing down.

They have been single-minded in their approach to try to drive higher taxes. Today, we have an opportunity to protect the taxpayers without a tax increase. Let's take it.

Madam Speaker, since coming to Congress, I have been a vocal champion for repealing the Alternative Minimum Tax. The AMT is a horribly inefficient parallel tax system that was never intended to impact those it is, or soon will ensnare.

This Congress, like so many before it, I have introduced legislation to repeal the AMT.

In recent years, Congress has turned to enacting temporary relief—or a patch—to keep the AMT from reaching more and more taxpayers in the middle class. This is necessary because the AMT was never indexed for inflation.

This fact, in conjunction with the Democrats' distortion of pay-as-you-go budgeting has placed us in the situation we face today.

While I think it is fair to say that most people believe the AMT was a mistake and it should be addressed, the debate is over how it should be addressed and if, in fact, other taxpayers should pay more taxes in order to keep the AMT at bay.

In other words, does it make sense for the rule of the House to require Congress to find revenue through real tax increases in order to stop a tax increase from happening?

The Democratic majority says yes. I say that this premise is utterly absurd.

Only in Washington could some green-eyeshade type conjure up the idea that it is necessary to raise taxes on one group of Americans in order to prevent another group of Americans from paying more taxes.

Instead of focusing our energy on who should pay more taxes, as this majority has done, Congress should be focused on what kind of pro-growth, pro-innovation and pro-job tax policies to enact.

Sadly, Madam Speaker, this majority has failed in this regard, even at a time the economy is beginning to show signs of softening.

Even on the more narrow issue of ensuring 21 million new taxpayers aren't subject to the AMT next year, the majority has barely received a passing grade.

This is the latest in the year Congress has dealt with an AMT patch—ever. Well, in this instance, tardiness as a severe consequence.

The Internal Revenue Service has said that the delay in enacting an AMT patch this year will result in massive confusion for taxpayers and lengthy delays for those expecting refunds this year.

And perhaps most disappointing of all is that when you dig deeper, the misguided banner of paygo which the majority holds up today is nothing more than a feeble attempt to mask their true intention with the AMT all along: to hold 23 million taxpayers hostage as they implement a protracted effort to permanently raise taxes in exchange for temporary tax relief.

They may say today that they are issuing an "IOU" to taxpayers that they intend to "pay for" this bill to prevent a tax increase. But, no American is fooled by these reindeer games. They know that all that means is that the House Democrats have just made a reservation to come to your house and raise your taxes.

I'm particularly pleased Republicans were able to call the majority out on this folly today in the name of the American taxpayer and economy. But, we must also insist that the majority's reservation is never honored.

Mr. NEAL of Massachusetts. Madam Speaker, I'd like at this time to yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Madam Speaker, two-thirds of the benefit of this tax cut will go to families who earn $100,000 a year or more. Now, I support giving them the tax break, but I don't support borrowing $50 billion to do it.

Our Republican colleagues say today that, well, you don't have to borrow the money. Why don't you just cut spending? Well, that's the very question that we asked President Bush's representative when he came in front of our committee, and he stood there and he kind of scratched his head and said, I can't think of any spending cuts, nor have these Republicans offered a single spending cut to finance this $50 billion tax cut.

No, their approach is their old borrow-and-spend approach that they've used for the last 7 years. The debt goes up; the dollar goes down. We have the specter on the horizon of both inflation and recession, and they follow the same old broken policy.

I believe that they are holding taxpayers across this country hostage to force the Congress to borrow more money for yet another tax break. It does not make good economic sense, nor is it equitable.

Mr. MCCRERY. Madam Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Louisiana has 6 minutes remaining. The gentleman from Massachusetts has 8½ minutes remaining.

Mr. MCCRERY. In that case, I will let the majority go.

Mr. NEAL of Massachusetts. Madam Speaker, with that, I'd like to yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ), a valued

member of the Ways and Means Committee.

Ms. SCHWARTZ. Madam Speaker, I thank Chairman NEAL for his leadership on this bill and rise today to support tax relief for hardworking American families.

Our action today will protect 23 million Americans from unexpectedly having to pay the AMT for the first time this year.

We in the Democratic majority are committed to enacting fiscally responsible tax relief, but the President and the obstructionist Republicans have made it clear that to them adding to the national debt matters not at all.

Under their watch, the national debt has nearly doubled. Rather than making tough decisions, they have opted time and again to push the cost of government on to future generations.

Congressional Republicans repeatedly and stubbornly resisted our efforts to ensure that we protect 23 million Americans from the AMT and do so without adding to the national debt.

The Democratic Congress is committed to our pledge of fiscal responsibility. We will work to ensure the tax relief we pass today will not add to the national debt.

I vote for this AMT tax relief to give 60,000 hardworking American families in my district the tax relief they deserve, and I pledge to work to make sure we don't pass on the cost to future generations.

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, let's check the facts. The facts are the only reason we're here today is because the Democrat Congress created this alternative tax. The only reason we're here today is because a Democrat President, Bill Clinton, vetoed the repeal of this alternative tax. That's why we're here today.

As for being fiscally responsible, let's check the facts for just this year alone. For years, Democrats have said it is irresponsible not to pay for this war; it's irresponsible to borrow for this war. This year, they have spent, with our support, billions of dollars for this war and didn't pay for a dime.

The majority leader stood on this floor and said it was fiscally irresponsible to raise the debt limit; yet they did it in the first 60 days in their own budget.

This year they have used multiple pay-fors, the same pay-fors, more than 20 times on different bills; just this week, the same pay-for on two different bills within 24 hours. That's like using your house for collateral over and over and over for different loans, which is called fraud, and they've even used budget gimmicks by directing our own budget office to assume there will be no terrorist attacks for the next 5 years so they can avoid their own PAYGO rules.

PAYGO, the way it is working this year is a sham. A sham. Being lectured on fiscal irresponsibility by this Democratic Congress is like being lectured on parenting by Britney Spears; it makes no sense at all.

What we need to do is sit down together and find a way to cut this budget.

Mr. NEAL of Massachusetts. Madam Speaker, let me clear up what the gentleman said as the Democrat he quoted previously. They have decided to borrow the money for Iraq, almost all $800 billion of it on the Republican side, $800 billion.

Madam Speaker, at this time I yield 1 minute to a leader in the Blue Dog Coalition, a friend, and on this issue in particular I think a voice of great reason, the gentleman from Florida (Mr. BOYD).

(Mr. BOYD of Florida asked and was given permission to revise and extend his remarks.)

Mr. BOYD of Florida. Madam Speaker, I thank my friend Mr. NEAL for yielding.

And let's be clear that the passage of this suspension of the rules abandons our commitment to fiscal responsibility and waives the PAYGO rules that were put in place by this Democratic majority back in January. And the blame lays squarely at the feet, Madam Speaker, of my colleagues on the other side of the aisle and those in the United States Senate who, at the behest of the President, have blocked all attempts for this Congress to responsibly pay, responsibly pay for an AMT fix.

It is a sad, sad day, Madam Speaker, and it's a strong testament to how far we have gotten off track as a United States Government.

The Republicans are expected to vote almost unanimously for the rule that waives PAYGO. It is abundantly clear that they have chosen to abandon fiscal responsibility.

Madam Speaker, the Blue Dogs are standing firm on PAYGO, and in the coming year we will continue to fight for what's right, for a Congress that pays its bills and for strict adherence to the PAYGO rules.

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I was in my office and I heard the distinguished majority leader talk about personal responsibility and how we've got to get this deficit and this debt under control.

Personal responsibility begins with personal responsibility. There's an article that ran a couple of weeks in the Washington Post that mentioned one Member, who shall remain nameless, tucked in $96 million worth of pet projects into next year's Federal budget, almost all of which is in today's bill that we will deal with.

Included in that was an earmark for a group called InTune. When asked what they would do with the grant, they said it might be music camps, it might be lessons, it might be how to be a DJ, it might be how to create a television show. The last earmark that this group got was spent on lesson plans for funk music.

This is not personal responsibility. Were there not earmarks in this bill, we would likely have a continuing resolution that would fund at last year's levels, and we could start to get a grip on this debt and deficit that we have.

Mr. NEAL of Massachusetts. Madam Speaker, there isn't an economist in this town who would argue that the reason that the Federal deficit and debt has exploded is because of earmarks.

With that, I'd like to introduce the gentleman from Arkansas, a leader in the Blue Dog Coalition and a champion on the AMT issue, the gentleman from Arkansas (Mr. ROSS) for 1 minute.

Mr. ROSS. Madam Speaker, this Democratic House has voted twice in a fiscally responsible manner to provide this tax relief which I voted for. Unfortunately, Senate and House Republicans have sadly chosen to side with protecting tax cheats and their offshore accounts instead of siding with 23 million working families and providing them with the tax relief they deserve.

Abandoning our commitment to the fiscal responsibility and passing an AMT bill that is not paid for leaves our children to foot the bill to the tune of some $80 billion.

It is morally wrong to continue to borrow money from China and to rob the Social Security trust fund to fund our domestic needs here at home. This vote today will do just that, a vote forced on us by Senate Republicans.

I urge my colleagues to vote ''no'' on this Republican tax increase on our children, grandchildren and future generations.

PARLIAMENTARY INQUIRY

Mr. RYAN of Wisconsin. Parliamentary inquiry, Madam Speaker.

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

Mr. RYAN of Wisconsin. When a Member makes a motion to suspend the rules pursuant to clause 1 of rule XIV, is clause 10 of rule XXI, the PAYGO rule, suspended and thereby waived?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Does the motion to suspend waive the PAYGO rule as well, then?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Including PAYGO?

The SPEAKER pro tempore. All rules.

□ 1545

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, Republicans have come to the floor this afternoon to prevent a huge Democrat tax increase from taking place on millions of working families across America.

Democrats have come to the floor to pay for their tax increase with yet another tax increase.

Now, Madam Speaker, they call it the PAYGO rule. It fits nicely on a bumper sticker. Now, supposedly it means if you increase spending here or you have tax relief there, somehow you pay for it. But when I look at the budget, I see that Medicare has grown by almost 9 percent. They didn't pay for that. It was exempt. I saw Medicaid grow almost 8 percent. That was exempt from their PAYGO rule. Social Security increased 5½ percent. That was exempt from their PAYGO rule. Discretionary spending, 38 percent of the budget, well, PAYGO doesn't apply to that, either. And now they bring a 1-year AMT delay bill that's also exempt from their PAYGO rule.

This proves that the Democrats' PAYGO rule has gone from a fig leaf to no leaf. Let's reject it.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to at this time yield 1 minute to the gentlewoman from South Dakota, a leader in the Blue Dog Coalition (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentleman, the distinguished chairman, for yielding.

Madam Speaker, throughout the year the House has made great strides and has made tough choices, beginning the difficult work of getting the Nation's fiscal house in order. The Blue Dog Coalition has worked closely with our colleagues to draft fiscally responsible legislation that complied with PAYGO rules that the new majority put in place at the beginning of this Congress, rules the minority rejected for the past 6 years.

I commend the Speaker and the majority leader for their firm commitment to fiscal discipline. Under their leadership and that of the Ways and Means Committee, this House voted twice to provide AMT relief for 23 million families without burdening future generations with more debt.

Madam Speaker, there can be no mistake as to why the House is faced today with effectively waiving PAYGO for AMT relief: the bad habits of my colleagues in the minority who would continue to use borrowed money to provide the relief, thereby raising taxes in the form of interest payments, and the obstructionism and the lack of fiscal responsibility of the minority in the U.S. Senate. They would prefer to protect those who evade taxes even when the cost of that protection is to further mortgage the future of our children and grandchildren.

For these reasons and others, I urge my colleagues to vote ''no'' on the Senate amendment on behalf of the children in our lives and the children in our districts.

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

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Ways and Means Committee, who has been a leader on this issue from day one, and his leadership on AMT, I think, has brought about a reformed opinion here on how it ought to be handled, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Madam Speaker, at the end of this day, notwithstanding the philosophical arguments that we have exchanged on this floor and whatever they do in the other body, the American people and taxpayers are going to ask the question, Did this Congress deliberately allow a $50 billion tax burden to fall on their shoulders? And we have to be in the position to say we have a long way to go in getting our tax reform straight. But it would be just so totally unfair for people to say that because of our differences of opinion that on this close to Christmas Day, we have blessed them with billions of dollars of a tax burden that they should not have.

It was the Congress that allowed this to go forward in 1969 without fixing it for indexing. And I hope it will be this Congress that would say that we remove this burden.

I do really hope that even though this President has only 1 year left in his term of office that somewhere, maybe the Treasury Secretary, maybe the Republican leadership, that they might come forward with any plan or some plan to remove the alternative minimum tax. And even though we know it's going to cost over $800 billion or maybe $1 trillion, I just hope that maybe next year that it's not smoke and mirrors and we didn't intend to tax in the first place, but we either cut programs or raise the revenue but, for God's sake, not only do the right thing for our taxpayers that are out there today wondering what we are going to do, but for those taxpayers that decades from now after many of us have gone, they'll ask the question, Why did you burden us with this load? Why did you have us to have to pay this indebtedness to Japan, to China? And why didn't you do the right thing?

Mr. MCCRERY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia, a member of the Ways and Means Committee (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, I think what we are hearing across the country today is a collective sigh of relief on the part of tens of millions of American families who now will not be subjected to an over $3,000 tax increase this year. This is real relief for real people and real families to compensate for a flagging economy and the soaring cost of living.

Yet with the economic anxiety gripping this country, it is just astounding to me that it took so long to bring a clean AMT bill to the floor. As the majority's concession makes clear, this was the wrong time to raise taxes on the American people. The government never intended to collect the AMT revenue from the 21 million American families who this year would have fallen under the AMT net.

So the horror stories that we continue to hear all year long about increasing the deficit was thus only smoke and mirrors for a desire to raise taxes. And thank goodness we are here today because passage of this bill is vindication for those of us who refuse to cave in to tax-and-spend onslaught, and it is my only wish that this day had come sooner.

Mr. NEAL of Massachusetts. Madam Speaker, I reserve the balance of my time, and I might inquire at this time as to how the minority intends to proceed.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. MCCRERY. Madam Speaker, I have one speaker remaining and I will yield to him, the distinguished gentleman from California (Mr. CAMPBELL), the entire 1 minute.

Mr. CAMPBELL of California. I thank the gentleman for yielding.

Madam Speaker, I support this bill today, which is going to leave taxes alone.

And understand that's all it's going to do. It is not cutting taxes on anyone. It's just leaving them where they are.

But yet to do this, the majority Democrats are going to violate their own vaunted PAYGO rule. And I would argue that PAYGO was just a sham to begin with. I mean, you can add $40 million more than last year to the budget. You can add $10 billion more here, $20 billion more there, and you don't have to pay for that. But to leave somebody's taxes alone, somehow you in theory were going to pay for it. But today that's a sham that, even as a sham, the Democrats haven't been able to keep. It goes from a sham to a double sham.

The lesson here is clear: You can balance budgets by holding down spending, and that's what we ought to do.

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. NEAL of Massachusetts. Madam Speaker, I'm here in reluctant support of this legislation. In this process of governing, you oftentimes reach a difficult intersection. Sometimes you do not have the luxury of either supporting a bill you like or opposing a bill that you don't like. Sometimes you have to support a bill that you do not like simply because it has to be done. And that is the crossroads at which we find ourselves today.

We have sent to the Senate what was possibly the easiest of offsets: closing a loophole so that wealthy hedge fund managers cannot hide money in offshore accounts. But the Senate minority joined by the President and a group

here in the House of Representatives have rejected on theological grounds any provision that raises revenue.

Some 160,000 troops are in Iraq, 26,000 in Afghanistan, and at some point we're going to have to pay for these wars. We are borrowing $2 billion every 7 days to fund the war in Iraq, and that's a bill our children and grandchildren will have to pay. And yet, and yet, we cannot ask the hedge fund managers to stop hiding money in offshore accounts. That's what this debate is about and has been. They are hiding money, scheming to avoid taxes in offshore accounts.

I support this bill in front of us today. We need to protect 23 million working families from being hit by higher taxes via the alternative minimum tax. But without fiscal responsibility here, and we've abandoned it when it comes to the alternative minimum tax and closing down an offshore tax haven, we have little choice.

Madam Speaker, I urge adoption of the resolution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today with great disappointment that the intransigence of the President and the minority in the Senate has presented us with only bad options to fix the AMT. If we do nothing, this bad tax is going to affect families it was never supposed to affect. The bill forces us to choose between saddling middle class families in New Mexico with additional tax burdens under the AMT and saddling our grandchildren with debt because of the fiscal irresponsibility of past Congresses.

Twice this year the House has done right by middle class families, fixing the AMT and paying for the fix by closing two different tax loopholes that allow some of the wealthiest in the Nation avoid income taxes. The minority in the Senate, unfortunately, spurred by the President whom they continue to follow in lockstep, blocked both of those commonsense efforts because they don't represent the middle class.

So we find ourselves in the predicament we face today. I do not believe that middle class families in my state should be penalized for the poor choices and fiscal irresponsibility of the minority in the Senate and the stubbornness of the President, and I reluctantly support this bill.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill—as I did for a similar measure last month—because of the urgent need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

But I do so with some reluctance, because unlike the versions of the legislation previously passed by the House, this version reflects the inability of the Senate to bring itself to make the legislation fiscally responsible.

As changed by the Senate, this bill does not even attempt to offset the costs of changing the AMT.

I still think that should not be our first choice, because for too long the Bush Administration and its allies in Congress have followed that course—their view, in the words of Vice President CHENEY, has been that "deficits don't matter."

I disagree. I think deficits do matter, because they result in one of the worst taxes—the "debt tax," the big national debt that must be repaid, with interest, by future generations. I think to ignore that is irresponsible and falls short of the standard to which we, as trustees for future generations, should hold ourselves.

But, as of today we are left with no choice except to vote to protect middle-class taxpayers, or to insist on making them pay the price for the stubbornness of others.

So, I will vote for this bill today, without enthusiasm but with determination to continue working for greater fiscal responsibility when the House reconvenes next year.

Mr. COSTA. Madam Speaker, I rise to urge the House to defeat the rule as well as the AMT fix bill.

Legislation before us violates the promises we made to American people in January. We knew in January that complying with PAYGO would not be easy, but up until today, we've fulfilled our commitment.

In passing this legislation, we are merely again borrowing from China to pay for a short-term fix that needs a long-term solution. This administration has run up $5.6 trillion in debt over the last 6 years of irresponsible fiscal policy. How much debt passed on to our children is enough? Enough is enough.

PAYGO was to be one of the most important reforms we pledged, and today we are now becoming part of that problem by adding to the already $30,000 in federal debt for every man, woman and child in our country.

For decades, Republicans have preached the gospel of fiscal discipline and balanced budgets. When and how has that notion gotten lost? We should stay here until New Year's if we have to in order to find a way to offset the less revenue that will be going to the Treasury.

I support fixing the AMT problem, both in the short run and long term, but the issue is whether we are responsible or irresponsible legislators.

Mr. HOLT. Madam Speaker, the Alternative Minimum Tax (AMT) was originally enacted in 1969 to ensure that the wealthiest Americans paid at least some income taxes—like everybody else. Before the AMT, the richest Americans could unfairly dodge their taxes by using deductions to sidestep their social obligations. However, what began at the end of the Johnson administration as an attempt to guarantee that the top few hundred Americans pay their fair share of taxes—has not been indexed for inflation and as a result has slowly morphed into a middle-class tax hike.

More families in Central New Jersey are affected by the AMT than anywhere else in the country. Currently 33,292 of my constituents are hit by the AMT and this number will increase to 121,503 if we do not take action today.

Madam Speaker, I believe that this bill should have been paid for. I voted twice now for appropriate offsets to ensure that we keep our promise to the American people that we will not continue to spend money that this Congress does not have. We can not continue to borrow money from China and other countries in order to pay for the choices we make today. It is our children and grandchildren that will be forced to pay this debt around the world. Unfortunately President Bush and the Republicans in the Senate refuse to worry about the costs of this bill and the effect it will have on the next generation. I will continue to support my colleagues in making sure increase in spending or cuts in taxes are paid for and that next year we find an offset so that we do not pass this debt to the future generations.

However, with the prospect of having an additional 88,211 of my constituents pay the AMT, I believe we must move today to enact an AMT fix. We cannot make the middle class pay for the failures of the administration. I urge all my colleagues to support this important tax reform that will help middle class families from unfair tax burden.

Mr. LANGEVIN. Madam Speaker, I rise today in support of the Temporary Tax Relief Act (H.R. 3996), which will provide tax relief for hard-working, middle-class Americans. However, while I strongly support shielding these taxpayers from the Alternative Minimum Tax, I am deeply disappointed that our efforts to pay for this fix now, rather than charging it to future generations, have been blocked.

Congress first enacted the alternative minimum tax (AMT) in 1969 to ensure that 155 wealthy taxpayers paid their fair share of the federal income tax. But because the tax was not indexed for inflation, it has since become outdated and unfair. Without a fix, this year over 23 million Americans—and 75,000 Rhode Islanders—would be forced to pay nearly $2,000 in additional taxes to which they were never intended to be subjected. Today's bill will provide a one-year patch to prevent these middle-class Americans from being caught in the ever widening-net of the AMT.

While everyone agrees that AMT relief must be passed swiftly, I am concerned with the circumstances under which this bill is being considered. Just two months ago the House of Representatives passed a fiscally responsible measure that fully complied with pay-as-you-go (PAYGO) rules. In fact, I was proud to vote twice for legislation that provided for the necessary AMT relief and was fully paid for. Unfortunately, Republican obstructionism has forced us to consider a measure that will add $50 billion to the national debt. Fixing the AMT is important, and taxpayers should not suffer the consequences of political games. What saddens me is that there was an easy way to accomplish this goal without adding to the deficit, and we chose to ignore it.

I am also disappointed that this measure provides only temporary relief rather than presenting a long-term sustainable solution. We must develop a more permanent and fiscally responsible solution to the AMT, as it will continue to affect an increasing number of taxpayers in future years.

I would like to thank Chairman RANGEL for his leadership in bringing this measure to the floor, and for his valiant efforts to follow a more fiscally responsible course. I am hopeful that as we continue to debate national tax policy, we will develop permanent solution to the AMT issue which does not place the burden of paying for it on our future generations.

Ms. LINDA T. SANCHEZ of California. Madam Speaker, today I am voting against H.R. 3996, a bill adjusting the Alternative Minimum Tax. While the bill helps some middle class families, it does so at the expense of expanding our national debt and burdening the next generation with the cost of paying for it. I voted for the original version of this bill that came before the House earlier this fall because it was fiscally responsible. It brought relief to middle class families in a budget-neutral way by closing tax loopholes for hedge fund

managers and corporate CEOs who shield their income off-shore. Unfortunately, the Senate stripped out the provisions that would replace the revenue lost through this AMT adjustment, so I cannot in good conscience support it.

The AMT was originally enacted to ensure that high income taxpayers pay at least a minimum amount of federal taxes. It prevents individuals from taking unfair advantage of the various preferences and incentives under the regular income tax and reducing their income tax liability below what we as a society consider an appropriate tax contribution given their wealth. The reckless tax policies advanced by President Bush during the past 6 years further complicated the way the AMT is applied. As a result, it will affect around 20 million families next year, many of whom the AMT was not originally intended to reach.

Reforming the AMT is warranted, and that's why I voted for this bill when it was paid for. Now we have a $50 billion give-away that's not paid for. Instead, it will increase our national debt, a debt financed by China and other nations. And the next generation—our children and grandchildren—will be stuck paying China back instead of investing in America. That's wrong. I believe that we must adhere to the pay-as-you-go rules that this House adopted at the beginning of the year. Just as a family has to balance its checkbook, the federal government must do the same. A federal government that is not fiscally sound cannot make the necessary investments we need in education, health care, housing, defense, homeland security, and other national priorities.

Mr. MAHONEY of Florida. Madam Speaker, I rise to express my concerns with H.R. 3996, the Tax Increase Prevention Act of 2007. Today, the American people were offered a false choice—tax families today or tax their children in the future.

This year the House of Representatives has twice passed alternative minimum tax relief bills intended to provide more than 23 million American's with tax relief. These two previous pieces of legislation were fiscally responsible. By closing tax loopholes, the House of Representatives sought to ensure that we did not pass the cost of this temporary fix along to our children and grandchildren.

Let me be clear. With passage of this bill tonight, President Bush and the Republicans have decided to mortgage our children's future and add to the national debt.

I will reluctantly vote for this legislation because without an AMT fix, more than 46,500 people in the 16th Congressional District of Florida will be burdened with a tax increase. These are hardworking families already struggling with skyrocketing property taxes, staggering homeowners insurance premiums, rising mortgage payments and out of control gas prices. These are seniors already forced to choose between purchasing life saving medications and putting food on the table. Simply stated, my constituents do not need the burden of an additional tax increase.

In closing, I call upon the House of Representatives to return to fiscal responsibility and Pay As You Go rules. Like many of my fellow Blue Dog colleagues, I believe we have a moral obligation not to pass our debt along to future generations.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 3996, Tax Increase Prevention Act of 2007 and urge my colleagues to join me in voting for its passage.

This bill provides tax relief for millions of Americans by raising the exemption amounts on the Alternative Minimum Tax, and ensuring that no new taxpayers would be subject to this higher rate. H.R. 3996 would prevent a tax increase on 21 million taxpayers when they file their 2007 tax returns. The Alternative Minimum Tax was originally enacted to prevent only the very wealthiest of Americans from avoiding income tax payment. However, over the years its reach has grown to affect more and more middle income taxpayers, and estimates show that as many as 30 million taxpayers would be ensnared by this higher tax rate by 2010. This bill will spare over 15,000 people in my district alone, from paying the Alternative Minimum Tax. As a part-time farmer and a former small business owner, I know the crucial importance of this sector to the economy as a whole. I support tax relief for the middle class workers and families who help drive our economy.

However, I am concerned that this bill does not include an offset and is not budget-neutral. I am strongly in favor of providing tax relief to millions of Americans, but we need to address this problem in a responsible way that maintains the integrity of our budget, and avoids adding to the budget deficit and our national debt. As a member of the House Budget Committee, I am hopeful that we can address the Alternative Minimum Tax issue further when Congress returns in the new year.

Mr. HALL of New York. Madam Speaker, the nineteenth district of New York is one of the districts in this country most affected by the AMT. Last year over 30,000 families in my district paid AMT. I wish we had the support in both the majority, and the minority, that we need to advance the major tax reform necessary to prevent the AMT from unfairly penalizing thousands of families in the Hudson Valley. The ''patch'' legislation that we considered today is the best legislation that we can pass at this time to prevent more families from being impacted by the AMT, and will ensure that an additional 70,000 families in my district alone will not be hit next year by the AMT.

I am proud that the Democratic Majority in the House of Representatives has twice passed a responsible AMT patch; offsetting the $50 billion in lost revenue from the AMT by eliminating tax loopholes for some of the richest people in the country, who choose to use offshore tax havens to avoid paying their fair share of taxes. However, neither the President nor his allies in Congress are fiscally responsible. They will not accept any legislation that acts responsibly by ensuring that the cost of protecting working families from the AMT will not be borne by their grandchildren. I believe I was elected to Congress last year to help restore fiscal integrity to the Federal Government, and I stand by the numerous votes I have cast in support of a responsible Pay-Go system.

Although I am deeply disappointed that we will not be able to pass a version of AMT reform with a revenue offset this year. I am unwilling to let working families in my district suffer as a result of the President and the minority in Congress. That is why, despite its obvious inadequacies, I feel that I must support this bill. I am disappointed that we were forced to pass this bill by borrowing the resources to do so. As Congress continues its work in the future, I am committed to working to make sure our government operates within its means and respects the principle of fiscal responsibility.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 3996, legislation that will provide critical tax relief to millions of middle class Americans. I support the Democratic majority's commitment to passing sensible legislation that will provide a solution to the looming Alternative Minimum Tax crisis. I am disappointed that President Bush and the Republican minority have opposed our efforts on this matter every step of the way. If this bill is not signed by the President, more than 60,000 families which I have the honor of representing here in the House will be required to pay the AMT when filing their 2007 return—an increase of almost 1000 percent since 2005.

I also support the Democratic majority's continuing commitment to responsible fiscal policies. Last week when the House passed AMT relief, it was paid for by closing tax loopholes that allow hedge fund managers and corporate CEOs to use offshore tax havens as unlimited retirement accounts. Unfortunately, the President and our Republican colleagues in the Senate once again sided with a few of the wealthiest individuals over millions of middle class American families. This speaks volumes about their misplaced priorities, and we are left with an AMT bill that does not meet paygo rules. However, I understand Chairman RANGEL—for whom I have the utmost respect—has committed to finding an offset for this fix next year as he continues to find a permanent solution to the AMT crisis.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the importance of patching the Alternative Minimum Tax (AMT) this year. Although it would have been my strong preference to pay for the middle class tax relief we are providing today, I do not believe we should penalize 23 million Americans for the Republican party's fiscal irresponsibility and intransigence.

Throughout this debate, we have demonstrated that it is possible to provide important tax relief in a fiscally responsible manner. Unfortunately, the White House and an obstructionist minority in the other chamber have blocked these efforts. That obstruction is regrettable. But it must not be permitted to create an additional liability for millions of middle class Americans the AMT was never intended to burden.

Madam Speaker, the hour is late. The need is clear. I urge my colleagues' support.

Mr. SPRATT. Madam Speaker, the Alternative Minimum Tax was not meant for middle-income Americans, and here in the House, we, as Democrats, have proposed and twice passed legislation that would prevent the AMT from coming down on 23 million taxpayers for whom it was never intended, without increasing the deficit. That's important to us as Democrats, which is why we believe in the Pay-Go principle. Last month, we passed a bill showing that you can patch the AMT, comply with Pay-Go, and not add to the deficit or to the tax burden of middle-income Americans.

We were not the only one proposing such a solution. In February 2006, the Director of OMB, Josh Bolten, testified that the Bush Administration believed the AMT ''can be corrected in the context of overall revenue neutral tax reform.'' In February 2007, OMB Director Rob Portman said: ''Our budget assumes that

we will have a revenue neutral correction to AMT.'' And in March 2007, Hank Paulson told us the same.

But what the Bush administration proposed, they have not supported. Their counterparts in Congress voted down in the Senate an AMT fix consistent with Pay-Go, and forced the issue before us, an AMT patch that works for one year, but adds $50 billion to the deficit.

We all agree that we must stop the AMT from coming down on 23 million middle-income taxpayers. That's why I and most of this House voted twice to fix the AMT the right way, the way the Bush administration once itself supported, with offsets that kept the fix from worsening the deficit.

As chairman of the Budget Committee, I proposed an alternative idea, consistent with Pay-Go. What I proposed was that we postpone designation of the offsets necessary to keep this bill deficit-neutral until such time as we dealt with extension of expired or expiring tax deductions, such as the research and experimentation tax credit. At that point, we would require that the offsets for this bill be passed before any such deductions, credits, exemptions, or preferences be extended.

This idea won support among many of my caucus, including our leadership, but in the end, not enough support to warrant its being offered. I regret that it was not, but I would remind everyone that this bill only buys one year of absolution. The same issue, the impact of the AMT on middle-income taxpayers, will have to be addressed again within months as we prepare and implement the budget resolution for fiscal year 2009. I hope we take a page from this year's experience and fix the AMT the right way next year, without impacting middle-income taxpayers, but also without impacting the deficit.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3996.

The question was taken.

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

Mr. MCCRERY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend on H.R. 3996 will be followed by 5-minute votes on the motion to suspend on S. 2499 and the motion to suspend on H.R. 4040.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 1183]

YEAS—352

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Castle
Chabot
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Courtney
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—64

Andrews
Baird
Becerra
Berry
Boyd (FL)
Boyda (KS)
Butterfield
Capps
Capuano
Cardoza
Castor
Chandler
Clyburn
Cooper
Costa
Costello
Cramer
Cuellar
Davis, Lincoln
DeFazio
Delahunt
Doggett
Emanuel
Gordon
Green, Gene
Gutierrez
Harman
Herseth Sandlin
Hill
Hoyer
Kanjorski
Kind
Larsen (WA)
Larson (CT)
Matheson
McCollum (MN)
McDermott
Meek (FL)
Melancon
Michaud
Miller, George
Moore (KS)
Moran (VA)
Murphy, Patrick
Obey
Pelosi
Peterson (MN)
Price (NC)
Ross
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Sherman
Shuler
Smith (WA)
Stark
Stupak
Tanner
Taylor
Walz (MN)
Watt
Waxman
Welch (VT)

NOT VOTING—17

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

□ 1619

Messrs. BECERRA, GUTIERREZ, BUTTERFIELD, CLYBURN, and WAXMAN, and Ms. MCCOLLUM of Minnesota changed their vote from ''yea'' to ''nay.''

Mr. KAGEN and Ms. LEE changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING JIM OLIVER ON HIS RETIREMENT FROM THE HOUSE

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

Mr. BOEHNER. Mr. Speaker, we are very fortunate, as Members of Congress, to rely on the services of so many dedicated staffers who help all of us get our job done and keep this process here moving. One of those staffers is someone who I think is familiar to Members on both sides of the aisle.

Jim Oliver is the assistant manager of the Republican cloakroom. He has served in that position for some 21 years. He served for 30 years as an employee of the House, having first come here 40 years ago as a page.

Jim, as we all know, is a solid professional. He is patient, he is humble, and he always seems to have the right answer no matter what the question is.

But the most interesting thing about Jim, and something that I know we will all miss, is his deep love of this institution. He has a deep and long understanding of the history of this Chamber, and he is an expert on the history of the page program and the Congressional Cemetery.

We are all going to miss Jim. We are going to miss his dry sense of humor and the institutional knowledge that he helps pass on to all of us.

We wish him well, and we wish him many years of success and happiness in his retirement.

Jim, job well done.

And, Mr. Speaker and my colleagues, if I could take 10 seconds more to wish all of you a very merry Christmas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Without objection, 5-minute voting will continue.

There was no objection.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2499, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 18, as follows:

[Roll No. 1184]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Cannon
Flake
Tancredo

NOT VOTING—18

Boyd (FL)
Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1630

So (two-thirds being in the affirmative) the rules were suspended and the Senate 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. BOYD of Florida. Mr. Speaker, on roll-call No. 1184, I was unable to vote. Had I been present, I would have voted "yea."

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4040, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 1185]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.

Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Brown-Waite, Ginny
Capps
Cubin
Gilchrest
Gohmert
Hastings (FL)
Honda
Hooley
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kucinich
McNulty
Miller, Gary
Neal (MA)
Ortiz
Pastor
Paul
Rangel
Saxton
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1636

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 1185, I inserted my card to vote but did not check it. Apparently it did not register my vote. Had my card worked, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. BOOZMAN. Mr. Speaker, I would like to ask unanimous consent to withdraw my name as a cosponsor of H.R. 1201.

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

There was no objection.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I have an amendment at the desk.

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 1, line 2, strike "adjourns" and insert in lieu thereof "recesses or adjourns".

Page 1, line 6, strike "or until the time of any reassembly pursuant to section 3 of this concurrent resolution" and insert in lieu thereof "or until such day and time as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first".

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL NOON, JANUARY 3, 2008 TO FILE REPORT ON H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee On Financial Services have until noon on January 3, 2008, to file a report on H.R. 3524.

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

There was no objection.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I call up the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

Page 1431, line 15, of the House engrossed amendments to the Senate amendment to the text of the bill, strike division L and insert:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for ''Operation and Maintenance, Navy'', $3,664,000,000: Provided, That up to $110,000,000 shall be transferred to the Coast Guard ''Operating Expenses'' account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Afghanistan Security Forces Fund'', $1,350,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $4,269,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees:

Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of ''Defense Working Capital Funds'', $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to ''Afghanistan Security Forces Fund'' or ''Iraq Security Forces Fund'' in this division may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term ''congressional defense committees'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the ''Emergency Supplemental Appropriations Act for Defense, 2008''.

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2764.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

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

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, before I get to the matter at hand, I would like to, as the minority leader did just a moment ago, I would like to take special note of the fact that the Appropriations Committee in the House is losing a highly valuable member of our staff.

David Morrison has served the Appropriations Committee and the Defense Appropriations Subcommittee with distinction for a number of years. I know I have certainly come to rely on him for many things, and I know the gentleman from Pennsylvania, Mr. MURTHA, has certainly heavily relied on him as well. I hesitate to point out that before he served the Appropriations Committee in the House, he had an errant career. He spent part of that career at the Office of Management and Budget, and he spent another portion of that career in the other body. Despite that fact, he has recovered very well, and he has served us extremely well in the House. We hate to see him leave, and I think we all owe him a round of applause.

Mr. Speaker, I don't want to take much time. I know people want to leave. Let me explain the procedure that is being followed. I have a ministerial duty to call up this Senate amendment, even though I intend to vote against it.

As the House I think understands, yesterday the House considered an omnibus appropriation bill, and what we did was to consider two amendments; one amendment related to the domestic funding for the bill, and the other amendment related to funding for Afghanistan and for certain force protection items. We sent those two amendments over to the Senate, and the Senate has amended the product in one respect. They have substituted for the $30 billion that we sent to the Senate for Afghanistan and for force protection items, they have substituted $70 billion, and sent it back to the House.

I have an obligation to allow the House to work its will on this matter, even though I suspect I am going to disagree with the result of this action.

□ 1645

In my view, when we sent legislation over to the Senate 3 weeks ago, that legislation provided for $50 billion for the purpose of helping to shut down the war by establishing a timeline, by requiring that all agencies of the Federal Government adhere to the U.S. Army Manual with respect to torture, and would also require that every unit be militarily ready to perform its duties. That is still sitting in the Senate. In my view, all that we had to do to deal with the so-called shortfall that the White House has been talking about is for the President to sign that bill with those conditions. The White House has blocked that legislation in the Senate, and so we have come to this.

Members will vote however they choose. I intend to vote ''no,'' but this is an individual vote of conscience.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, in the last several days we have said all that we perhaps need to say about the omnibus. We have discussed every inch of it. We all know about the amendment on the Senate side. And, because of that, I am going to give up my 20-minute speech.

I would like to take just a moment nonetheless to ask the Members to join me in paying a very special tribute to one of the most beloved and respected staffers on Capitol Hill.

After 3 years as my staff director, Frank Cushing is leaving the committee at the end of the year to pursue other opportunities. With more than 25 years of Capitol Hill experience, Frank leaves behind a record of integrity and service that few can match.

I got to know Frank in 1995 when he served as my clerk on the House VA-HUD subcommittee of appropriations, a position he held until 2003. In very little time, I saw that Frank was one of those rare staffers who not only loves and respects this institution, but he in turn is respected and trusted by Members on both sides of the aisle.

Prior to his service in the House, Frank held numerous positions in the Senate, including staff director, both majority and minority, of the Committee on Energy and Natural Resources, and clerk of the Interior Appropriations Subcommittee. More than one professional on both sides of the aisle have said to me, and I would quote them, ''You are fortunate if you have been trained in this business by Frank Cushing.''

Frank, we are going to miss you. We want you to know that, as we express our love for you and for Amy, the entire body wishes you well and wishes your family Godspeed. Thanks, Frank.

Mr. Speaker, we are now just 6 days away from the Christmas holidays. I know the Members and staff are eager to get home to their families so I intend to be very brief in my remarks today.

The House is considering a yearend omnibus spending package that, I must confess, is a much better product than what we considered Monday evening. I reluctantly opposed

both amendments passed by the House 2 days ago because they failed to provide for our troops in harm's way in Iraq. Fortunately, the Senate has now addressed this oversight. The Omnibus returns to the House a much better and complete bill.

Because this spending package adheres to the President's top line on spending, and it contains funding for our men and women in uniform in both Iraq and Afghanistan, I intend to support this legislation. And, I'm pleased to say that all indications are that the President will sign it.

Before concluding my remarks, I want to thank Chairman OBEY and the fine committee staff for their tireless efforts this year. Few people realize the tremendous amount of work that goes into the appropriations process each year.

The Appropriations Committee is the workhorse committee. Chairman OBEY and our staff have worked very long hours to produce this legislation, and they deserve our gratitude. DAVID, it is time for you to go home to Wisconsin and for me to go to California for a few weeks. It's time to let the staff catch up on some long overdue family time for the holidays.

Mr. Speaker, I am going to take almost no more time except to recognize a couple of my colleagues for unanimous-consent requests.

I first recognize the gentleman from Florida, my chairman of the Appropriations Committee, BILL YOUNG.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of the amendment to provide funding for our troops in Iraq and Afghanistan.

These funds should have been provided much earlier this year. They are vital if we are to ensure that our troops have the support they need until enactment of a full-year supplemental appropriations bill for the Global War on Terror.

As I've said before, engaging in a debate on war policy is a legitimate and proper role for the Congress. However, we should never put ourselves in the position of threatening funding for our troops in the field. They deserve our full, unrestricted support.

With passage of this amendment, both the Army and the Marine Corps will have the funds they need to continue war operations for the first half of fiscal year 2008. However, we need to move quickly next year to provide full funding for our soldiers and marines, and for all our men and women in uniform. Let's not hold them hostage to Congressional debates ever again.

In conclusion, I strongly support this amendment and urge that it be adopted by the House. Then we can truly wish all our military a Merry Christmas and a Happy New Year.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from Mississippi (Mr. WICKER) for a unanimous-consent request.

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

Mr. WICKER. Mr. Speaker, I too rise in strong support of the amendment, thanking my subcommittee chairman, Mr. EDWARDS, for his kind remarks about me 2 days ago and about the staff, expressing regret that we couldn't have done the MilCon-VA bill earlier.

Mr. Speaker, allow me to say a word or two about the Military Construction and Veterans Affairs portion of this omnibus bill. When the legislation was before the House earlier this week, Chairman EDWARDS was generous in his praise of our majority and minority staff members of the subcommittee. I wholeheartedly echo that sentiment. We have been blessed with a capable and hard-working staff.

Chairman EDWARDS was also kind enough to acknowledge that he and I have worked in partnership on this bill from day one. I want to take this opportunity to return that salute. Mr. EDWARDS sought my input throughout the process, and I am grateful that together with our subcommittee members we have been able to put together a bipartisan product that provides historic increases for our veterans, for our troops, and for the quality of life of current military families. These funds come on top of substantial increases for these accounts during the 12 years when Republicans were in the majority.

I would also gently remind my colleagues that this vital funding has been unnecessarily delayed. We could have moved to conference quickly on this type of funding—in a bipartisan and unifying way. Instead, powers above Mr. EDWARDS' and my pay grades decided to attach the bill to a much more controversial Labor-HHS-Education measure, and there it has sat, now some 80 days into the new fiscal year.

In an attempt to break the logjam, I introduced legislation identical in every respect to the Milcon-VA conference agreement, and every Republican member of this body cosponsored that bill. We could have had funding in the pipeline for family housing, childcare centers, veterans and military construction early on. But the bill was held hostage as leverage for an additional $22 billion in completely unrelated areas.

In the end the ploy did not work. Thankfully we are passing an omnibus bill at roughly the President's level, and the veterans and troops are finally getting a bill. I would simply urge my fellow Members to resist these types of maneuvers in the future. Let's not hold up Milcon and VA spending in an effort to spend more elsewhere.

Having made that point as cordially and charitably as I can and in the spirit of the Christmas season, I again thank and commend my Chairman for allowing me to participate in an excellent bipartisan achievement.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank the gentleman for his leadership and for yielding.

Here we go again, another payment on a war that should not have been fought and an occupation that keeps our young men and women in harm's way. By forcing Congress to tie the fate of spending for critical domestic programs to Iraq funding, this President held these programs hostage just to prop up his failed policy. This is not only shameful, it is unacceptable. The American people want our troops and our contractors home.

A recent CNN poll found that 69 percent of respondents favored withdrawing all of our troops from Iraq. Nearly half believe that our troops should be home in under 1 year.

The only funds that we should be giving this President today should be to protect our troops and our contractors and to bring them home in a safe and timely and orderly fashion, in other words, what we tried to do several weeks ago, and, that is, fully fund the redeployment of our troops and military contractors from Iraq. And we should be using this opportunity to shore up vital programs such as our poverty elimination efforts, vital HIV/AIDS programs, both domestic and international, and providing health care for all, which we tried to do in the Appropriations Committee under Chairman OBEY but which the President, unfortunately, threatened to veto. Now, Congress, this body, once again is complicit in the President's games. And these are war games that he is playing.

Why in the world are we going to put another payment down on this war that should have ended? Actually, it should have never started. So let's vote ''no'' on this. His inflexibility, the President's inflexibility, this House, this body's inflexibility has already cost America too much in terms of lives, in terms of treasure, in terms of our standing in the world, and in terms of our national security.

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I would like to commend those who have worked so hard for so long to try and right the wrong of our occupation in Iraq. I would like to thank the leadership for all the attempts that they have made to try and engage people on the opposite side of the aisle and those who don't have enough courage to do the right thing.

We find ourselves here at a moment with an omnibus bill that we have had to support, and many people have many things in the bill that they would like to have back home. I understand that. But in the final analysis, we are never going to end this war until we stop feeding this war with the taxpayers' dollars after they have told us to bring our soldiers home.

I stand here today in support of our soldiers. I support them coming home. Young men and women are dying in Iraq, the victims of IEDs, not even knowing how to protect themselves. And they come home, and we have to struggle to make sure that they are taken care of, that their health care needs are met.

When are we going to come to our senses? We are fighting a war that we never should have been in in the first place. We are fighting a war where we

were told there were weapons of mass destruction and there were none. We are fighting a war where we have contractors who are abusing civilians in Iraq. We have contractors who are stealing the taxpayers' money in Iraq. And yet we continue to nuance this debacle. We continue to say, I didn't understand. I didn't know. Well, let me make it perfectly clear.

There is $70 billion in this bill for Iraq and Afghanistan, and it is fungible. We don't know how much of it is going to be spent where. But don't go away saying, I didn't understand, I didn't know, that is not what I intended to do. There is $70 billion here. If you don't want to continue this war, don't vote for this bill.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the very distinguished chairman of the Appropriations Committee and the very distinguished chairman of the Defense appropriations subcommittee. Because, over the last 2 years, six times this body has passed responsible limits on the conduct of this war. Six times we have tried to make sense and pass legislation.

What we are about to do now is to give the President a blank check to continue this war until the end of his term, to continue what has gone down in history as the worst foreign policy fiasco in American history. Nobody in their right mind can argue that this war was thoughtfully planned or responsibly executed, and yet we are going to give him a blank check. We will look back on this day and people will ask, why?

Well, I want to thank Mr. OBEY, I want to thank Mr. MURTHA, the Out of Iraq Caucus, and the majority of my colleagues. We did the right thing. History will record that. But this is a very sad day for us. When you think that 4,000 young men and women have given up their lives, tens of thousands seriously wounded. For what? For a nation that will wind up far more loyal to Iran than it will be to the United States, to a nation that in fact is allowing young people to roam the streets with guns and forcing school girls going to school having to wear their veils. A repressive society, what will become a Shiite theocracy.

Sure, there is less violence. But that is because we have ethically cleansed most of Baghdad. There is less violence because the Sunni warlords have taken time off from shooting American soldiers to ridding themselves of al Qaeda in Iraq because Muqtada al-Sadr has decided to take a 6-month hiatus from shooting us. But all of this is going to come back. We see no end in sight. This is a very bad day, and we ought to vote ''no.'' It is the responsible thing to do.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Chairman OBEY, my good friend, for yielding time.

Mr. Speaker, I know there are a lot of good things in this bill, but there is one bad thing. Billions of dollars, more billions of dollars to fund the war in Iraq.

The best present, the best gift we could give to our young men and women in the military during this season of peace and goodwill would be to bring this madness to an end and bring our young people home, and bring them home now. This war was ill-conceived from the beginning. It is a war of choice and not a war of necessity. The time is long overdue. Now is the time to bring this madness to an end.

I said it before and I will say it again. In good conscience, I will not vote for one dollar or one dime to continue this war. The American people are sick and tired of this war and I am tired and sick of this war. It is time to give peace a chance.

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

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

Mr. Speaker, I think that probably no bill that the House will consider this year more aptly demonstrates the divided nature of this Congress and this government than does the bill that is before us right now. People often say there is not a dime's worth of difference between the two political parties. My response, at least on this occasion, is you are absolutely right. At least with respect to this legislation, there is a $40 billion difference between the two parties. Because when you take into account what this Congress did in January when it passed the continuing resolution in January, and if you take into account the money that has been moved from the President's priorities into congressional priorities in this bill, you will see that that amounts to almost $40 billion. It is not as much as I would like, but it certainly is worth the fight.

□ 1700

So I think there is a very big difference between a Congress run by our friends on the other side of the aisle and a Congress run by the now-majority Democratic Party.

But I think there is another significant difference, and that is the way the two parties have approached the war in Iraq. We have tried every way known to man to bring this war to a conclusion. Mr. MURTHA has produced out of his subcommittee time and time again language trying to produce a policy change, and on each occasion, that language has either been vetoed by the President or it has been blocked by the President through the use of his friends in the other body.

So I think it is clear that if the Nation wants a change in direction with respect to this war, it has only two options: Number one is to elect more progressive voices in the United States Senate; second is to elect a President who has a different set of priorities domestically and a different vision for America's involvement in the Middle East and especially in Iraq.

This, in my view, is a conscience vote. As it comes down to us at this point, we have disposed of all of the domestic issues and we have this one remaining issue with respect to Iraq. I would simply say that I think we have provided more than enough money for that war.

I would note that earlier today, just a few moments ago, we had some 64 Members of this House vote against the alternative minimum tax fix because it was not paid for, and it added $50 billion to the debt. I would point out that the document before us will add $70 billion to that debt. And so I would hope that persons who felt it necessary to express their concern about the debt a few moments ago would be willing to do so on this occasion as well.

I would also point out that Mr. MURTHA, Mr. MCGOVERN and I have offered this Congress a way to avoid adding to that debt because we believe that if this war is such a hot idea, then we ought to at least pay for it so we don't shovel yet another bill off on our kids.

It is apparent that this House does not have the will to do that. And so not only do I think this is an unnecessary war, it is also an unnecessary add-on to the national debt.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

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

Mr. LEWIS of California. As we are closing this down, I would like to join you and use this moment to express my deep appreciation for the fine work in our committee of David Morrison. Thank you.

Mr. OBEY. I thank the gentleman, and I would simply say that I am not going to advise anyone how to vote. This is a conscience vote, in my view.

Mr. DOOLITTLE. Mr. Speaker, I am pleased that 80 days into the fiscal year, the House has passed a budget that remains within the spending limits set by the President and contains essential funding for our soldiers serving in Iraq. Furthermore, I am glad several projects within the Fourth Congressional District are included in the final version of the bill. These projects are important to the people within my district, and will provide essential funding for new highway infrastructures, wastewater treatment facilities, and law enforcement upgrades, as well as other important projects. In addition, I am pleased at what this bill does not contain; harmful policy riders that would have opened the door for American tax dollars to be spent on abortions for citizens of foreign nations, and those that would tie the hands of our military leaders in Iraq.

However, I could not support this legislation due to the harm it causes to the completion of the border fence, which was authorized by Congress in the passage of the Secure Fence Act of 2006. Congress sent a clear message that a border fence should be constructed when it passed the Secure Fence Act. Specifically, it mandated the construction of 700 miles of fence along our southwestern border. Instead of building on this legislation, provisions in the omnibus increase bureaucratic

roadblocks, create new restrictions for the Department of Homeland Security (DHS), and repeal important measures that were signed into law in the 2006 bill.

In particular, a provision in the omnibus gives DHS the discretion on whether or not to build a fence, essentially eliminating the central tenet of the Secure Fence Act, which specifies locations where a fence shall be built. I am also deeply concerned that restrictions included in the omnibus, such as eliminating the authority of DHS to identify additional areas for fencing at the end of 2008 and requiring an onerous analysis of each 15 miles of planned fencing, will essentially end the project before the fence will be completed.

In addition to this harmful language, a provision in the omnibus requires that in locations where a border fence will be constructed, DHS must abide by excessive consultation and reporting requirements, thereby placing further bureaucratic roadblocks in front of an already delayed process. This language will require DHS to consult with other Federal agencies, State and local governments, Indian tribes, and landowners to minimize the impact on the environment, culture, commerce, and quality of life near where the fence will be constructed. However, while requiring this excessive consultation to be completed, this provision gives no guidance as to when the consultation can be determined to be completed and construction can begin.

Americans should not have to sacrifice border security for the passage of the fiscal budget. It is my hope that Congress will readdress this issue when it reconvenes in January and correct these provisions to ensure a border fence will be completed.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to the Senate amendment to the omnibus appropriations bill for an unconditional $70 billion for the war in Iraq. This amendment gives the President a blank check to continue a flawed strategy that has no end in sight. It does nothing to bring home our brave men and women of the armed forces serving faithfully in Iraq, many of them on their third tour of duty in that country, at considerable sacrifice and strain to them and their families. Nor does this amendment place any conditions on the Iraqi government, which has continually failed to pursue political reconciliation. Our intelligence community has publicly concluded that the political situation Iraq is getting worse, not better. Moreover, the indefinite presence of American forces has sadly contributed to Iraq's political stagnation because it has allowed the different factions there to postpone making the difficult compromises necessary to achieve stability and reconciliation. Meanwhile, our men and women of the armed services continue to die every day in Iraq's ongoing civil war. A strategy of more of the same is no strategy at all.

I have and will continue to vote to ensure that our troops in Iraq receive the support and equipment that they need. That is why in November I voted in support of the House measure to provide our troops in Iraq with an additional $50 billion. At the same time, this House legislation required the safe and responsible redeployment of our troops in Iraq. That legislation aimed to transition the U.S. military mission in Iraq. It would redeploy our combat forces out of Iraq by a target date of December 15, 2008. The House proposal, modeled after the approach recommended by the bipartisan Baker-Hamilton Commission of the Iraq Study Group, would focus the remaining forces on the more limited missions of training Iraqi security forces, providing logistical and intelligence support for Iraqi security forces, and engaging in targeted counter-terrorist operations against Al-Qaeda and affiliated groups. The House bill also called for a ''comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.''

Instead of supporting the sensible approach passed by the House, the Senate Republicans, taking their cue from the White House, threatened to filibuster it. Now these same political elements have collaborated in sending us an amendment for more war funding with no accountability and no plan to redeploy our combat forces. This irresponsible approach will have the effect of prolonging the war, not bringing it to an end.

While I am opposed to another blank check for war funding in Iraq, I support continued military operations and reconstruction activities in Afghanistan. Moreover, my opposition to the Senate amendment does not extend to the underlying Omnibus, which—while far from perfect—was at the end of the day the best that we could do this year.

Mr. DICKS. Mr. Speaker, the House of Representatives today is faced with a regrettable decision on the eve of the adjournment of the first session of the 110th Congress. With the appropriations bills that fund the routine operations of all of the departments and agencies of the Federal Government now approved by both Houses of Congress, we are once again being asked to provide additional funding for the ongoing military operations in Iraq and Afghanistan. The House has already expressed its view on this question when we voted on November 14th to approve $50 billion in supplemental defense funding with three very clear and very reasonable conditions: that our troops should be properly trained; that our forces will not use torture when conducting interrogations of enemy combatants; and, that we should establish a goal of redeploying all offensive troops from Iraq by the end of 2008. It would have been easy—and appropriate—for the President to sign the bill that was approved by a majority of the Members of this House and supported by a majority of Americans, rendering the debate we are having today unnecessary. The President has remained stubbornly determined to continue our involvement in Iraq without clearly defining a plan for the eventual re-deployment of our troops, and he has stated his intention to veto any legislation that attempts to change the course he has set.

After more than 4½ years, it is clear that our Nation's involvement in Iraq has cost far too much. It has cost the lives of nearly 3,900 men and women in our military and it has affected the lives of many thousand more who have been seriously wounded—both physically and psychologically. It has cost at least $450 billion in national debt to date, with hundreds of billions more in future costs that will be incurred no matter how quickly we are able to extricate ourselves. It has also seriously diminished our military readiness and our ability to respond to other national security threats. And finally, our initial invasion and our protracted involvement in Iraq has diminished our international prestige and made it more difficult for the United States to exert leadership and influence around the globe.

It is against this backdrop that we in Congress have been working toward a strategy of timely redeployment of our troops that I believe is both militarily appropriate and necessary for encouraging the Iraqi government to assume greater control of the security of the Iraqi people. It was discouraging to me on our visit to Iraq last month led by the Chairman of the Defense Appropriations Subcommittee, Congressman JACK MURTHA, that the Iraqi government has clearly not taken advantage of the improved security climate, brought about largely by the increased numbers of U.S. troops in Iraq during this past year. President Maliki and his government have not taken the steps they pledged to take in national reconciliation, in the distribution of the oil revenues or in several other key benchmarks that were established as indicators of progress.

On the face of it, the provision that has been sent to us by the Senate appears to be strictly about providing funds for the military operations in Iraq and Afghanistan. It is true that these funds would ensure that the soldiers, marines, sailors and airmen in harm's way are protected and continue to have the equipment, the supplies, the fuel, and the transportation resources that keeps them fed, repairs their equipment, treats their medical needs, and allows them to continue to operate. The reality, however, is that these funds will necessarily have an impact on our entire military. Because of the immediate need to protect troops in wartime conditions, all of the men and women in uniform—as well as the civilian workforce of the Defense Department—are caught in the position of having to curtail important operations that underpin the very readiness of our forces, not just for Iraq, but for all aspects of our nation's defense.

The Army is on the leading edge of these impacts with installations across the country already having been notified to prepare for curtailing operations in the middle of February. The Army can keep going that long only by accelerating spending regular operations funds intended to last for the entire year, and by reprogramming other funds to the maximum allowed in law. If no further action is taken on this funding, the Army intends to furlough as many as 100,000 civilian employees and a comparable number of contractor personnel. In addition, it will sharply reduce travel, training, maintenance and child care and other day-to-day activities at installations across the Nation. And we know that the Marine Corps is close behind the timing of the Army in experiencing these impacts, all of which will exacerbate the level of readiness already diminished by our long involvement in Iraq.

So it is frustrating for me and for many Members of this House to be presented with the Hobson's choice that we have before us today: whether to impose a terribly chaotic situation on the entire U.S. military or whether to approve another substantial increment of funding for the Iraq war without any clear and well-articulated strategy for the eventual re-deployment of American troops. We are presented with this choice by a President who is unwilling to consider any change whatsoever in our strategy in Iraq and who has clearly not listened to the will of the American people or the views of their representatives here in Congress.

I have reluctantly concluded at this point that a vote to deny these funds now could potentially harm the troops in theater and could seriously diminish the condition of all of our military forces who still face other threats around the globe. Out of a responsibility to the men and women in uniform, to their families, to the civilian workforce in DOD and to our Nation's overall security, I intend to vote in favor of this resolution.

At the same time, it is my intention to continue working with what I believe is a growing majority here in Congress and a solid majority in the country to advocate for a major change in the direction of our policy in Iraq, and for the prompt re-deployment of the U.S. troops currently stationed in Iraq.

Mr. HALL of New York. Mr. Speaker, today this body did something that it failed to do last year under the previous majority by passing legislation to direct the spending of our Federal Government.

I am disappointed that the choice of the President and the minority to engage in confrontation and obstruction instead of cooperation and progress prevented us from more fully meeting America's needs in this bill. Despite their intransigence, we were able to pass a bill that began to reinvest in critical national priorities that had been neglected for too long. Priorities like life saving medical research, law enforcement, border and homeland security, K–12 education, college aid, needed infrastructure improvements, renewable energy, and energy efficiency. In addition to those steps, this bill lived up to the commitment of this Congress to keep our promises to America's veterans by providing $3.7 billion over the President's request for veterans' medical care, claims processing, and facility improvements.

I indicated when the House considered this legislation earlier this week that I believed this is not a perfect bill. However, I believe that the spending bill we approved on December 17, 2007, does a tremendous amount of good by funding key programs that will make America more secure and more prosperous. It makes necessary investments in America's future, and that is why I voted for it.

Unfortunately, the Senate has added funding for the war in Iraq without placing a time line for withdrawal. For that reason, I could not support the Senate version of the bill and voted against it.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this legislation. It has been a long process, and this bill is far trom perfect, but I enthusiastically support this measure as an important first step in a long-overdue effort to provide for the needs of our most vulnerable citizens and begin to invest in priority items here at home to build a brighter future for America.

As a member of the House Budget Committee, I believe that budget-making is about more than just numbers on a ledger or a spreadsheet. Budgets reflect our Nation's priorities, and Congress has a solemn duty to pass a funding that honors the values of the American people. I have worked with the leadership of this new Democratic Congress to reverse the misguided budget course of the current administration that has neglected America's domestic needs and created massive annual deficits and record national debt. I am pleased that the New Direction Congress has rejected the President's misguided budget cuts for critical American priorities like education, medical research and energy independence. This responsible legislation fulfills Congress's obligation to govern and charts a better course for the American people.

I especially want to thank the House Democratic Leadership for including $600 million for disaster assistance for victims of the record drought in North Carolina and throughout the southeastern United States. My farmers are hurting, and this disaster assistance will provide real relief and some measure of hope for the future. I have been proud to lead the fight for this funding, and I want to thank Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Appropriations Committee Chairman OBEY and Agriculture Committee Chairman PETERSON for their leadership on this priority item.

Beyond disaster assistance, I support this omnibus appropriations bill because it invests in:

K–12 Education: $767 million above the President's request with targeted increases to Title I, Special Education, Teacher Quality Grants, After-School Initiatives and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request to help local communities across the country.

Homeland Security Grants: $1.8 billion above the President's request, recognizing that homeland security begins with hometown security.

Medical Research: $607 million above the President's request to study diseases like cancer, Alzheimer's, Parkinson's and diabetes.

Health Care Access: $1 billion above the President's request, making targeted increases to efforts like Community Health Centers to provide 280,000 more uninsured Americans with access to health care and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Health Care: $147 million above the President's request to help 1,200 small rural hospitals.

Veterans: $3.7 billion more than the President's request for VA health care, medical and prosthetic research, medical services for injured and ill veterans, and the construction of new VA medical facilities.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative to repair our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for critical investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Finally, Mr. Speaker, this bill contains funding the President requested for ongoing operations in Iraq and Afghanistan, to support our troops and avoid any risk that Defense Department employees could be subject to furlough notices this holiday season. I regret that the stubborn opposition of the President and his allies in Congress to investing more in America's priorities prevent us from making more progress. But I strongly support this compromise legislation, and I urge my colleagues to join me in voting for it.

Mr. UDALL of New Mexico. Mr. Speaker, 2 days ago, this body passed an omnibus appropriations bill that, while limited in its priority only to the most basic domestic needs in this country due to the stubbornness of the President and Republicans in the Senate, funded over a half a trillion dollars for important programs that will help all Americans. Now, however, we are being asked to attach to that bill $70 billion in unchecked, unconditional, and unqualified spending for the war in Iraq. It is absolutely unacceptable that we continue to provide the President with funding without providing explicit requirements that he redeploy our troops from Iraq, bolster our diplomatic efforts throughout the Middle East, and engage other countries in the region in a political solution. For those reasons, I will be voting against this funding.

Our soldiers have acted with unquestionable bravery and patriotism in Afghanistan and Iraq. They have given their time, their devotion, and in some cases their lives. And it is time for them to come home. Yet, their military accomplishments are not being complemented with political or diplomatic accomplishments. The Iraqi government refuses to step up to the plate, move toward reconciliation, and unite the Iraqi people.

As we prepare to start a new year, it is expected for people to reflect on what has transpired from the past, learn from their mistakes and decide how they can improve in the future. This does not hold true for the President, who instead is blindly demanding unfettered war funds without demonstrating any plans for removing our troops from harm's way and turning Iraq over to the Iraqi people. We cannot and must not continue on this path.

Mr. MCCAUL of Texas. Mr. Speaker, the Committee has spoken and the result is positive. I appreciate the words of the Committee in the Statement of the managers accompanying the Omnibus Appropriations legislation specifically regarding the USAID and hunting conservation programs in Africa and around the world.

The initial problem that came to light earlier this year was language that denied USAID funding of recreational, sport and trophy hunting in its assistance programs in Africa. The language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

These USAID projects are very important tools in the effort to promote conservation. Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-

hunted and poached. None of us want that result.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The facts are in: in twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. HUNTER. Mr. Speaker, I rise today in great reluctance to support final passage of the FY2008 Omnibus Appropriations Act. I am voting in favor of this legislation because it rightfully supplies our men and women on the battlefields of Afghanistan and Iraq with the resources they need to continue their mission, while also supporting the Global War on Terror. These brave men and women deserve our support and I will never waiver from this responsibility.

However, despite my vote in favor of this legislation, I remain adamantly opposed to the underlying Omnibus legislation that effectively guts the Secure Fence Act passed during the 109th Congress. Securing the border of the United States is one of the most important responsibilities of the federal government. The Republican-led Congress last year did the right thing by passing the Secure Fence Act that mandated the construction of 854-mile double layered border fence along our Southwest border. Unfortunately, one of the few acts actually accomplished by this first session of the 110th Congress will be to remove that mandate and ensure that our southern border remains one of our weakest links in the effort to secure our homeland. Frankly, this is unacceptable.

I will be working with my colleagues during the second session of this Congress to address this travesty, however, I will not hold back the needed resources from our brave men and women in uniform because of this irresponsible move by this Congress. Therefore, I reluctantly support this Omnibus package.

Mr. UDALL of Colorado. Mr. Speaker, when the House considered this measure earlier this week, I voted for it even though I was far from enthusiastic about doing so.

Now that it is before us again—because the Senate changed it—I am even less enthusiastic about it, but I have reluctantly concluded that bad as it is, it needs to be passed. And so I will vote for it again.

Earlier, I said that one of its worst shortcomings, ironically, was that it was too long—rolling into one massive measure provisions from no fewer than 11 regular appropriations bills that the House passed earlier this year.

And now it is even longer, because the Senate has added an additional $39 billion, all for military activities in Iraq.

There is no mystery about why that happened. It happened for two reasons.

The first reason is that President Bush has insisted that he will not sign the bill unless these funds were added—just as he has insisted he will veto it if it provided more funding than he has requested for domestic purposes.

The second reason is that our Republican colleagues, both here and in the Senate, have made clear they will support any such veto.

And the result of the president's stubborn insistence and our Republican colleagues stubborn loyalty is that of the nearly $190 billion the president requested for Iraq and Afghanistan, this bill includes $39 billion for Iraq, to be available without conditions or significant restrictions.

This essentially unconditional funding approach is very different from the war funding bill I supported and the House passed last month, which would have provided targeted funding toward an ''immediate and orderly'' redeployment of U.S. troops from Iraq.

I agree with those who say there are clear signs of progress on the security front in Iraq. But when he announced the ''surge'' of additional troops to Iraq, President Bush promised us more than progress on the security front. We sent more troops to Iraq to provide ''breathing space'' for the Iraqi government to move toward political reconciliation, and that hasn't even begun to happen.

I think that in the long term, there is no sustainable role for large numbers of U.S. troops to remain in Iraq—whether refereeing a civil war or waiting for the Iraqi government to decide to act within the ''breathing space'' our brave troops have provided and our taxpayers are paying for at $9 billion per month.

So I regret that this bill sends the wrong message by including no Congressional direction on how the funds for Iraq should be spent.

At the same time, we all understand that this bill includes no ''strings'' on Iraq funding because the Senate simply doesn't have the votes to pass such a bill and that Republican support for a veto would prevent it from becoming law if it should be passed.

What we need is consensus here at home on a path forward in Iraq.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating economic development, empowerment of local government, the provision of basic services, a ''surge'' in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

If legislation along those lines had been agreed to, we would not find ourselves making the difficult choice presented by this bill now before us.

Only Democrats and Republicans working together can find the best path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

And today, I will vote for this omnibus bill because despite its shortcomings, I will not vote to deny funding for the body armor and other supplies our troops require and because in terms of funding for domestic programs, it still is a better bill than would have resulted if we had simply rubber-stamped the president's budget requests—and it includes provisions that will directly benefit Colorado and the nation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of 2764, which provides, among other things, $500 million for the Commanders Emergency Response Program (CERP). Our continued support for this program is vital for winning the war on terror and ensuring stability in Iraq and Afghanistan. General Petraeus himself recently described it as ''a critical tool with which to prosecute the counterinsurgency campaign.''

Our continued support for CERP will be especially important for achieving long term success in Iraq. The Iraqi people must be convinced that their lives are getting better and that their future is one of peace and prosperity, rather than violence and sectarian strife. As David Ignatius pointed out this morning in the Washington Post, ''the success of the U.S. troop surge seems to be bolstering, ever so slightly, the advocates of conciliation and weakening the partisans of sectarian war.'' However, ''[t]he recent progress in Iraq has resulted from bottom-up efforts to build trust, neighborhood by neighborhood.'' CERP has proven to be one of the key tools in this effort.

CERP allows our military commanders and civil affairs officers on the ground in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. The funding is allocated to brigade commanders to support a wide variety of small-scale relief and reconstruction projects, including reconstruction of water and sanitation facilities, school repair, restoring power stations, lines and generators, providing humanitarian relief, renovating cultural centers, museums and libraries, and repairing telecommunications infrastructure.

Most importantly, CERP grants can be dispensed quickly and applied directly to local needs, rather than slowed down by the bureaucratic process in Washington and watered down by foreign contractors and subcontractors. As Secretary Gates recently explained in his testimony before Congress, ''. . .by building trust and confidence in Coalition forces, these CERP projects increase the flow of intelligence to commanders in the field and help turn local Iraqis and Afghans against insurgents and terrorists.''

CERP could also serve to be a key component in helping to normalize the more than 2 million internally displaced Iraqis and provide a stable environment for the more than 2 million externally displaced in neighboring countries to return home.

The Iraqi Red Crescent Organization (IRCO), for example, has recently proposed a one-year plan to normalize up to 600,000 internally displaced residents of Baghdad into 120 self sustaining neighborhood units. The IRCO Neighborhood Reconstruction Program (NRP) could help provide unemployed IDPs with the opportunity to construct and service approximately 100,000 homes, 440 schools, 132 mobile health clinics, 60 water treatment plants, and 44 electrical generators. With the financial support of CERP and the Government of Iraq, this program would be coordinated through IRCO's existing 44 offices in Baghdad and, within a year, these formerly displaced people would have the opportunity live in homes with electricity and water, within neighborhoods that have access to nearby healthcare, schools, and jobs.

We have an obligation to continue funding CERP so that the Iraqi and Afghan people can build peaceful and prosperous societies for themselves. The sooner this occurs, the quicker our troops can come home.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the Committee on Appropriations for addressing language contained in the House State, Foreign Operations Committee Report regarding funding of recreational, sport

and trophy hunting in its assistance programs in Africa. The language included in the Manager's Statement accompanying the Omnibus Appropriations Legislation offers USAID the opportunity to come before the Committee and explain the need for these important conservation programs to continue. I support this effort and commend the Committee on this language.

I urge USAID to take advantage of this opportunity to come before the Committee and explain the benefits of these valuable projects as directed by the Manager's Statement. Conservation projects have made great contributions to wildlife management and have a great story to tell. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of successful conservation programs involving controlled, regulated sport and trophy hunting that economically supports tribal systems in many areas of Africa. Without programs like these, millions of acres of properly managed conservation areas would fall prey to poachers, eliminating the economic value these lands provide.

Additionally, tourist hunting has proven to be a valuable tool for conserving wildlife and habitat for particularly threatened species such as the African elephant, white and black rhino, leopard, markhor, argali and others. Licensed, regulated tourist hunting provides tens of millions of dollars for the operating budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. Without these programs, animals in this environment would be killed for food, over-hunted, and poached, placing the continued survival of these species in serious jeopardy.

The facts are that in the twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. These conservation programs are extremely important to African tribal culture, not to mention the survival of the many animal species they protect worldwide. While I cannot support the overall bill, I thank the Appropriations Committee for recognizing this flaw in the Committee Report on H.R. 2764 and speaking to it appropriately in the Omnibus Legislation's accompanying Manager's Statement.

Mr. SESSIONS. Mr. Speaker, for many years, our government has been involved in the funding of several successful conservation programs that are supported by recreational, sport and trophy hunting programs in Africa. The Committee wisely spoke to these important programs in the Statement of the Managers which accompanies the Omnibus Appropriations legislation. I support the language and welcome the USAID coming before the Appropriations Committee and detailing these important conservation projects.

Initially, the language in the State Foreign Operations Report denied USAID funding of recreational, sport and trophy hunting in its assistance programs in Africa. Again, the language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and further states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering. Isn't that what we are trying to accomplish with these programs? Closer to home, National Geographic News reported in March of 2007 that "trophy hunting is of key importance to conservation in Africa by creating [financial] incentives to promote and retain wildlife as a land use over vast areas..."

As I previously mentioned, the CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. The programs which are funded with matching funds from groups like the World Wildlife Fund and the Dallas Safari Club supply money for drinking water wells and schools for the local population. Without these programs, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-hunted and poached. These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The USAID conservation programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing that the language in the Foreign Operations House Report needed to be revised and I thank the Committee for speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that the Congress and the President have come together to find common ground on the fiscal year 2008 budget. It is often said that politics is the art of compromise, and the bill we are considering today—H.R. 2764—represents a compromise position that allows the Congressional majority to advance some of its priorities while adhering to the President's overall budgetary constraints.

H.R. 2764 funds a number of programs that are important to the American people, including investments in education, life-saving medical research, law enforcement, border security, veterans' health care, and energy independence initiatives.

H.R. 2764 is especially good for rural America. The bill rejects deep cuts that were proposed by the President in rural health care, housing, economic development, Internet access, and law enforcement programs. At the same time, the bill nearly doubles funds available for renewable energy loans and grants in rural areas, commits significant resources to fix aging bridges, and adds $1 million to the President's request for rural drinking water and waste water infrastructure projects. Additionally, the measure slashes funding for the Administration's efforts to create a National Animal Identification Program, reducing it by $23 million.

H.R. 2764 also extends through December 31, 2007, most of the agricultural disaster assistance programs included as part of the emergency supplemental spending bill signed into law earlier this year. These programs allow many American farmers to recoup some losses associated with drought and other natural disasters in 2005, 2006, or in the first two months of 2007. Between February and December of this year, Missouri farmers have seen their fair share of damaging weather events. I am pleased that Congress is extending disaster programs that may be beneficial to qualifying Show-Me State producers.

The measure also funds U.S. military efforts in Afghanistan and Iraq. And, while I would have preferred to send the President war funding legislation that sets a goal of redeploying most American troops from Iraq by next Christmas, H.R. 2764 will provide our service men and women with the resources they need to do their jobs while serving in harm's way and will alleviate any need by the Administration to reallocate funds from domestic military operations.

H.R. 2764 represents a compromise bill that is in the best interest of our Nation. I am pleased to support its passage and urge the President to sign it into law.

Mr. BOREN. Mr. Speaker, I rise today to thank my colleagues on the Committee on Appropriations for language in the Manager's Statement accompanying the Omnibus Appropriations bill, regarding USAID and hunting conservation programs in Africa and around the world. This language provides an opportunity for these USAID conservation projects to continue and asks them to come before the Committee and explain how these important conservation programs have seen success in Africa and around the world. I support this effort and commend the Committee on this language.

Earlier this year, language to deny funding for USAID assistance programs in Africa utilizing recreational, sport and trophy hunting was included in the House State, Foreign Operations Appropriations Committee Report. I opposed this language as tourist hunting has proven to be a valuable tool for the conservation of wildlife and habitat. These programs have proven to be particularly useful in the survival of African elephants, white and black rhinos, leopards, markhor, argali, and other threatened and endangered species. To block this revenue would do nothing for the conservation of species and would simply be one step further in a campaign to ban hunting.

I welcome the opportunity for USAID to come before the Committee and explain these valuable and beneficial projects as the language directs. USAID and their conservation projects will have their opportunity to tell their conservation story and how revenue brought in by these hunters benefits the local native communities, encouraging them to conserve and manage wildlife populations responsibly. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-hunted and poached. None of us want that result.

Licensed, regulated tourist hunting provides tens of millions of dollars for the operating

budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. In twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the FY08 Consolidated Appropriations Legislation. Although this bill does not accomplish everything that we had wanted for the next fiscal year, the bill will provide critical funding to many programs that for too long have been underfunded.

Among many other important provisions, this legislation will provide $607 million above the President's request for medical research of diseases including Alzheimer's, cancer, Parkinson's and diabetes. It will make investments in education including K through 12, Pell Grants, and vocational education. It will help make communities across the country safer by providing $1.2 billion above the President's request for state and local law enforcement. Lastly, it will provide critical homeland security funding at $1.8 billion above the President's request.

I want to note several other items in this bill that are of particular interest to me and many of my constituents.

The bill provides $108 million for the health needs of World Trade Center responders, residents, students, and others exposed to the toxins of Ground Zero, to be administered by the National Institute for Occupational Safety and Health. The legislation also requests that the Administration prepare a plan for a comprehensive program for health screenings, analysis, and medical treatment for the entire exposed community. I want to sincerely thank Chairman OBEY and his incredibly able staff for their continued dedication to the heroes of 9/11.

I commend the Appropriations Committee for including enough baseline funding to continue the invaluable Survey of Income and Program Participation (SIPP) in FY 2008, despite the Bush Administration's initial desire to eliminate the survey. The SIPP provides the most comprehensive data on the economic well-being of American families, and I am glad that the Committee understood its importance.

The legislation before us will provide $75 million to help Afghan women and girls including funding for the Afghan Independent Human Rights Commission which does essential work in Afghanistan to combat human rights abuses. Additionally, the bill provides more than $147,000,000 for processing the backlog of DNA evidence kits as provided by the Debbie Smith Act, legislation I first introduced in 2001.

I want to thank Chairman OBEY and the Appropriations Committee for its work under very difficult conditions, and I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 2764, the Consolidated Appropriations Act of 2008. While this is a vastly different package than the 11 stand-alone appropriations bills that the House passed earlier this year, it is a package that for the first time in over eight years focuses on the priorities of the American people.

Without a doubt the budgetary process is never easy. This year, however, the process has been exacerbated by the fact that this Administration has been unwilling to come to the negotiating table to hammer out the details of this legislation, instead barking orders at Congress—the people's representatives—from 1600 Pennsylvania Avenue. Furthermore, this process has been held up by the inability of the Senate to pass these bills as stand-alone measures. As a result, Congress has no choice but to consolidate the remaining appropriations bills in order to complete our budget work.

Like many of my colleagues, I had hoped that this Administration would have worked with Congress to find a compromise that would have reflected the domestic needs of our country and the priorities of our working families. Unfortunately, the budget proposal the Administration sent to Congress earlier this year proposed cuts to many important domestic programs including: Medical research grants at NIH; Grants for low-income schools; Vocational education programs in high schools and community colleges; Homeland Security Grants for police, firefighters and medical personnel; Renewable energy programs; and Community Health Centers.

Yet after proposing cuts to these vital programs, the President had the nerve to request another blank check for the war in Iraq.

The truth of the matter is our troops have the funding they need. Congress passed and the President signed a Defense Appropriations bill last month that contained more than $450 billion in funding for the military. Moreover, the House passed an Iraq supplemental last month that would provide $50 billion worth of funding for the war efforts in Iraq and Afghanistan. Unfortunately, that bill has been blocked by Republicans in the Senate because it contains important provisions that would require the President to begin to plan for the withdrawal of American troops from Iraq.

I would note that recently, the Congressional Budget Office has reported that costs related to the Iraq war could reach $2.4 trillion over the next decade, even if the number of troops is cut by half. Furthermore, we have seen more than a billion dollars gone unaccounted for in Iraq due to fraud and misuse on the part of contractors and poor accounting by our own government.

By threatening to veto any spending bill that does not give him a blank check in Iraq, it is the President who is playing politics—playing politics with our service men and women and their families, and playing politics with critically important domestic programs.

The bill before us today is significantly better than what the President sent us at the beginning of this year. It does, as I mentioned earlier, focus on the priorities of the American people. For example, the bill invests in:

Medical Research: $607 million above the President's request to study diseases like Alzheimer's, cancer, Parkinson's and diabetes.

Healthcare Access: $1 billion above the President's request, making targeted increases to programs like Community Health Centers to provide 280,000 more underinsured Americans with access to healthcare and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Healthcare: $147 million above the President's request to help 1,200 small, rural hospitals.

K–12 Education: $767 million above the President's request with targeted increases to Title 1, Special Education, Teacher Quality Grants, After School Programs, and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid programs.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request, to help local communities across the country.

Homeland Security Grants: 41.8 billion above the President's request, recognizing that fighting terror must be a top priority.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative for our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for important investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Chairman DAVID OBEY deserves our thanks for plowing through what many of us would consider unworkable circumstances and producing a bill that puts the American people first.

Now, it is unfortunate that Senate Republicans have chosen to give the President the blank check he requested in terms of war funding. I cannot, however, in good conscience, hold the rest of the federal government—and the above investments—hostage to Iraq funding. Instead, I will continue to work with my colleagues in the coming year to bring an end the President's failed Iraq policy.

Mr. Speaker, it is the duty of Congress to pass spending legislation each year, and it is a duty we take very seriously. I would like to take just a moment to remind President Bush that Congress is a co-equal branch of government. Our founding fathers intended that no one branch should set the course for our country, and in fact compromise has long been one of the hallmarks of our government. It is time that the Administration recognizes that a seat at the negotiating table can accomplish much more than the wave of the veto pen.

Mrs. LOWEY. Mr. Speaker, I rise today in support of the House amendment to H.R. 2764 to highlight the key elements of division J, the Department of State, foreign operations, export financing, and related programs appropriations act of fiscal year 2008.

This amendment reflects a bipartisan, bicameral process. We worked tirelessly with ranking member WOLF, Senator LEAHY, and Senator GREGG to create a product that addresses our strategic priorities and our national security interests, as well as increases assistance for programs that promote development, reduce poverty, meet humanitarian needs and respond to global health crises.

Despite our bipartisanship, the President's intransigence forced us to make difficult cuts to worthy programs. His unwillingness to compromise with Congress, while spending $12 billion a month in Iraq, is both fiscally and

morally irresponsible. We have worked to limit the damage of this President's misplaced priorities, and I appreciate Chairman OBEY and Speaker PELOSI's commitment to robust foreign assistance.

Division J includes over $5.3 billion for State Department operations in the United States and abroad, and exceeds the President's request for worldwide security protection to ensure that our diplomats and development workers remain safe and secure. It also provides $501 million for educational and cultural exchanges, and $366 million for public diplomacy.

PROMOTING NATIONAL SECURITY THROUGH SUPPORT FOR STRATEGIC PARTNERS

The bill also provides $7.5 billion in economic and military assistance for our strategic partners throughout the world, including Israel, Egypt, Jordan, Afghanistan, Pakistan, the Philippines, and Indonesia among other countries. It fully meets the President's request of $2.4 billion for Israel and $1.715 billion for Egypt, excluding the 0.81% across-the-board cut required to reach agreement with the President, and provides assistance to Jordan, including debt relief critical to its economic revitalization.

ADDRESSING GLOBAL HEALTH AND HUMANITARIAN CRISES AND PROMOTING PEACE

Combating global health threats—including tuberculosis, avian flu, HIV/AIDS, and malaria—is a security imperative as well as a moral responsibility. We are leading the fight against HIV/AIDS and other global health emergencies—providing $6.5 billion, $796 million above the President's request and $1.4 billion over fiscal year 2007, to address these critical needs. Within the total provided for global health, $5 billion is for HIV/AIDS prevention, treatment and care efforts internationally, $544 million above the President's request. We have also included, government-wide, $841 million for the Global Fund to Fight AIDS, TB, and Malaria.

I must express my great disappointment that President Bush was willing to veto this entire vital bill because it would have allowed the U.S. to send contraceptives to poor men and women around the world. The President's dogmatic adherence to an illogical position diminishes our influence around the world and thwarts one of the most effective strategies for stemming the spread of HIV/AIDS and reducing unintended pregnancies and abortions. This is a fight we cannot win if our policy continues to put ideology ahead of proven results, and I will continue fighting to restore common sense to our international family planning initiatives.

I am pleased that we were able to provide significant funding to promote peace and address humanitarian crises throughout the world. Without the across-the-board cut, we would have provided the full request for the Peace Corps to support 7,749 volunteers in 67 posts serving in 73 countries.

The bill includes over $1 billion to help displaced people around the world, especially the growing number of Iraqi refugees. Additionally, over $430 million is provided to avert famines, provide life-saving assistance during natural disasters, and assist internally displaced persons in Iraq, Darfur and elsewhere.

Since declaring the atrocities in Darfur, Sudan, genocide in July, 2003, this committee has appropriated over a billion dollars to support the African Union peacekeeping mission and to provide emergency assistance. We are hopeful that the long-overdue United Nations mission will finally be able to bring stability to this region, and allow the Darfuri people to rebuild their lives. To that end, this bill provides over $550 million to support the UN peacekeeping mission in Darfur. We have made a strong commitment to international peacekeeping activities, and this bill includes $1.6906 billion for ongoing operations in Liberia, the Democratic Republic of Congo, South Sudan, Ethiopia/Eritrea, Haiti, Timor-Leste, Lebanon, and Kosovo.

I am also pleased that we were able to provide additional funding to meet our commitment to provide critical security sector assistance for Liberia.

INVESTING IN DEVELOPMENT AROUND THE WORLD

The bill also increases funding for development programs managed by the U.S. Agency for International Development. These resources will expand our basic education, safe water and environment programs.

Access to basic education has been one of my top priorities for many years because it not only improves an individual's chances for a better, more productive life, it creates a more tolerant and informed citizenry. We have provided a total of $694 million for basic education programs in this bill, including $189 million targeted to help developing countries with national education plans meet the international goal of quality education for all children by 2012.

This bill also provides $510 million for clean energy and biodiversity programs worldwide. This includes funding for the Global Environment Facility and international conservation programs that work with developing nations to reduce greenhouse gas emissions, preserve national parks, and protect wildlife.

There is also $1.544 billion for the Millennium Challenge Account in this bill. While this funding level is lower than that provided by the House, it is $344 million above the Senate level, and it will allow the MCC to undertake all its planned compacts and threshold programs through fiscal year 2008.

RESPONDING TO DEVELOPING SITUATIONS

This bill responds to a number of evolving diplomatic needs throughout the world. In addition to providing the strong annual aid package to Israel, we must ensure that our assistance to the Palestinians supports the current movement toward negotiating a peaceful two-state solution between the two parties.

In addition to language on assistance to the Palestinians that has been carried in the Foreign Operations bill for many years, we have included additional accounting conditions on part of any funding provided as cash transfer to the Palestinian Authority. It also ensures that no funding goes to Hamas or to salaries of Palestinian Authority personnel located in Gaza. It is essential that we track every dollar of any cash transfer, and before funding is obligated or expended, I expect the Department of State to take the following steps:

(1) Representatives of the government of the United States and the Palestinian Authority will develop a list of mutually-agreed disbursements. Emphasis will be on funding projects in the West Bank that quickly demonstrate quality of life benefits for the population.

(2) The Palestinian Authority may not obligate or expend any funds on items not mutually-agreed upon and will repay any funds which are used in any way not mutually agreed by the United States and the Palestinian Authority.

(3) The Secretary of State shall certify that none of the funds will be used to support violence or terrorism. All contractors will be investigated through the same United States embassy process that is used to vet implementers of United States-administered assistance programs.

(4) The Palestinian Authority will establish a separate account to hold funds received in the cash transfer. Authorized United States officials will have complete and unfettered access to the records of this account.

(5) The Department of State will report biweekly to the Committees on Appropriations on all expenditures, disbursements and balances associated with the cash transfer assistance to the Palestinian Authority.

(6) The Secretary of State shall report to the Committees on Appropriations, in classified form if appropriate, on how much funding the Arab states are providing to the Palestinian Authority, and steps the Palestinian Authority is taking to end incitement.

I look forward to working with the State Department to ensure that these funds are fully accountable and used to support President Abbas and Prime Minister Fayyad as they work to end corruption and bring needed services to the Palestinian people in the West Bank.

Also related to peace in the Middle East, I remain gravely concerned about the smuggling operation from Egypt to Gaza, and funds in this bill for Egypt are conditioned on steps taken to detect and destroy these tunnels.

The developing situation in Pakistan, which continues to be an important ally of the United States, also demands action in this bill. I appreciate the recent steps towards restoring the constitution and advancing democracy and human rights. However, the actions of the past few months warranted measures in this bill to end cash transfers and condition military assistance on continued progress on political reforms. We remain steadfast in our support of the Pakistani people, and this assistance package maintains the robust development and security assistance that is central to reducing poverty, increasing stability, and fighting Al Qaeda, the Taliban, and other terrorist groups.

Because our efforts to combat narcotics in Colombia have been ineffective for some time, this bill restructures assistance for Colombia. We have shifted greater resources to the development and interdiction programs. We have also increased funding for rule of law and justice efforts in order to strengthen the Government of Colombia's ability to combat and demobilize their criminal paramilitary organizations that fuel the drug war. It is time for the Colombians to take ownership over their eradication and military assistance programs, and restructuring of our assistance package reflects that position.

ADVANCING OUR PRIORITIES AT HOME

In addition to the many steps we have taken in this bill to advance international stability and security here at home, this bill also addresses many of our most important domestic priorities from education funding to worker training to biomedical research to public health activities.

It provides relief for families that desperately need child care and afterschool programs; for first responders in need of training and equipment that will help keep our communities safe; for teachers anxious to receive classroom training or professional development; for students who won't be able to attend college

without an increase in the maximum Pell Grant; and for the elderly who depend on LIHEAP to help pay for the rising cost of home heating oil.

Initiatives funded in this bill literally make a life-or-death difference in the lives of countless individuals and families who are struggling to make ends meet. While we could have done much more with the cooperation of the President, the work that we have accomplished together in this final product will help make America more secure and will improve the lives of millions throughout the world.

In closing, I would like to thank our staff for their tireless work, and their many sleepless nights as they put together this final product. Nisha Desai, and her new baby Safya, Craig Higgins, Michele Sumilas, Steve Marchese, Lucy Heenan, Celia Alvarado, and our minority staff Christine Kojac, Rob Blair and Molly Miller. Lastly, I would like to thank Cherith Norman, as she prepares the leave the State Department, for her years of outstanding work with this Committee.

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

The SPEAKER pro tempore. Pursuant to House Resolution 893, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 142, not voting 18, as follows:

[Roll No. 1186]

YEAS—272

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—142

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wu
Wynn
Yarmuth

NOT VOTING—18

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
Markey
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

□ 1726

Mr. WYNN, Mr. BECERRA, Ms. DELAURO and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

Mr. DOOLITTLE changed his vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to personal medical reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted ''yea'' on the following rollcall Nos.: 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, and 1186.

REAPPOINTMENT AS MEMBERS TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following members on the part of the House to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009:

Ms. Carolyn Bartholomew, District of Columbia

Mr. Jeffrey L. Fiedler, Great Falls, Virginia

□ 1730

DON'T PLAY POLITICAL GAMES WITH VETERANS FUNDING

(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, today we completed work on an omnibus spending bill

Hopefully, by Friday, a full 82 days into the fiscal year, our Nation's veterans will finally have access to the $6.7 billion in increased spending, and the new and expanded programs included in the original veterans bill, a bill that passed the House and Senate this summer.

For all of these days, our veterans have done without these additional resources.

So why the delay? Why were our veterans made to wait when a nearly identical bill could have been passed and signed by the President prior to October 1?

I believe our veterans deserve an explanation and an apology. Playing political games with veterans funding not only hurts our veterans but the credibility of this Congress and the American people. Our Nation and its heroes deserve better.

EXPLOITS OF MIKE FLYNT

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

Mr. CONAWAY. Mr. Speaker, last August a man named Mike Flynt attempted to use his final year of college eligibility by walking on at Sul Ross State University in Alpine, Texas. He endured the rigors of two-a-days and made the team. Although a nagging groin injury prevented him from participating in games through the first half of the season, his leg healed to the point that he could participate in several games on special teams and, in the final game of the season, played at linebacker for the final defensive series.

Mr. Speaker, so far, this story is not unusual. However, Mike Flynt's story is unique in that he will turn 60 years of age next year. Mike and I graduated from high school together and played on the first State championship team at Odessa Permian.

Mike fulfilled a 30-year desire to compete one more time in a game he loves. His efforts and accomplishments amaze us all. He was an inspiration to his teammates, coaches and fellow Sul Ross students. His efforts brought positive publicity to a small university in far west Texas.

Mr. Speaker, in a world where athletes often seem to let us down, it's refreshing to see the example of hard work, dedication and perseverance that is Mike Flynt.

THE GRINCH WHO STOLE CHRISTMAS

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

Mr. POE. Mr. Speaker, Christmas will be here in less than 1 week. Most of us will be with people that are very important to us.

But not so for Border Agents Ramos and Compean who are locked up tonight for protecting the Texas-Mexico border from smugglers, especially an admitted drug smuggler. These agents are in prison for their failure to fill out proper paperwork after shooting this drug smuggler bringing in $1 million worth of dope to the United States.

The U.S. Attorneys Office made a backroom deal with the drug smuggler for his testimony, and even the U.S. Attorneys Office admits that he told some lies. Be that as it may, our government was on the wrong side of the border war in this case.

The border agents should be freed by Christmas and put the drug dealer in jail. So there will not be justice this Christmas for our border agents because the U.S. Attorneys Office is obviously the grinch who stole Christmas from our border agents.

And that's just the way it is.

IN MEMORY OF SPECIALIST MATTHEW KYLE REECE, U.S. ARMY

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

Mr. BOOZMAN. Mr. Speaker, I rise solemnly this afternoon to memorialize one of my constituents who's been described as one who makes this country great. I rise to remember Army Specialist Matthew Kyle Reece of Jasper, who passed away in Iraq in December of 2007.

Kyle Reece was born in Harrison and went to school in Jasper and Alpena. He fished, played ball and prayed while growing up in Newton County. His name can be seen in the Alpena gym, marking two championship teams, and his name will long be remembered for the duty he performed on behalf of his country, his friends and his family.

Kyle was a grenadier in the 82nd Airborne who deeply cared for the men in his charge. He accepted his duty proudly, telling his 3-year-old daughter before he left that he had to go to Iraq so she and everyone else in the U.S. could remain free.

There's no way we can adequately thank Kyle, or his family, for his service. However, I will take to heart the words of his wife, Chauntelle, who urges that we not wait until a soldier dies before we honor him. Rather, we should shake their hands and thank them for all that they do for America.

TRIBUTE TO JOYCE HAMLETT: A WOMAN CONTINUING TO BLAZE NEW TRAILS AS KEEPER OF THE MACE

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

Mr. MEEK of Florida. Mr. Speaker, I rise today to give honor to one of our great House employees here that works in this Chamber every day, and that's Joyce Hamlett.

Joyce has had the opportunity to be appointed as Assistant Sergeant at Arms in charge of the mace of the House of Representatives. I think this is a very high accomplishment for someone like Ms. Hamlett who has a meek-like spirit and very nice lady, and I've been working with her, and she's been working not only with me but my mother and other Members that have served here in the House.

She's the first African American woman to serve as keeper of the mace. Her high moral upbringing prepares her for this honorable position.

Mr. Speaker, I can go further, and I do as it relates to my CONGRESSIONAL RECORD statement, but we honor not only her presence here, but we honor the fact that she gives God all of the grace and the glory for her accomplishments here in the House of Representatives.

Mr. Speaker and Members of Congress, as a Member of Congress, I am moved by Ms. Joyce Hamlett's trust in patience, trust in truth and trust that God has planned a great path for her life.

I rise to ask you to join me in recognizing the excellent service and continued professional success of Ms. Joyce Hamlett, newly appointed Assistant Sergeant of Arms for the U.S. House of Representatives.

Congressional business begins when the Mace is set, and ends when it is lifted.

There is one woman with the great responsibility to ensure that the Mace is available for this historical purpose.

And, in times of emergency, one woman guards the Mace and preserves its protection.

Ms. Joyce Hamlett is the first African American woman to serve as the Keeper of the Mace. Her moral upbringing prepared her for this honorable position.

Ms. Hamlett was raised by her grandfather in a church community that fostered the importance of honesty and faith.

Indeed, Ms. Hamlett's strong heritage has served as the guiding force throughout her career on Capitol Hill.

In the early 1980s, Ms. Hamlett departed Broadway, North Carolina and began her successful professional journey alongside her mother, Betty Pearson, at the Capitol Café.

Within five years, Ms. Hamlett rose to cook for lawmakers upstairs in the Capitol Hill restaurant.

Her respectable interaction with lawmakers continued when she went on to serve as elevator operator under the Architect of the Capitol. During that time, she formed long-lasting friendships with many Members of Congress.

In the early 1990s, Ms. Hamlett interviewed for the position of chamber security, and soon after began to firmly enforce House rules on the floor of the U.S. House of Representatives.

As chamber security, she was well-known as one who worked hard to safeguard the principles and rich tradition of the U.S. House of Representatives.

Because of her excellent service, Ms. Hamlett was promoted to her current position as Keeper of the Mace.

Ms. Hamlett is not only Keeper of the Mace, but she is also keeper of a strong moral foundation and keeper of the wisdom and principle represented by the Mace's solid-silver eagle.

Mr. Speaker and Members of Congress, I congratulate Ms. Joyce Hamlett, a woman that continues to blaze new trails with distinction as Assistant Sergeant of Arms for the U.S. House of Representatives.

Thank you Mr. Speaker and Members of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLSWORTH). The Chair will recognize

Members for Special Order speeches without prejudice to possible further legislative business.

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 PURPOSE OF GOVERNMENT IS TO PROTECT THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the purpose of government is to protect the people. It is a very simple but yet fundamental principle of the United States Constitution.

Our Federal Government has to protect us from enemies from abroad, and our government does a good job of doing that. Our government also has the secondary responsibility to protect citizens in our country, and our government does a fairly good job of that.

But there is a unique problem where our government seems to be lacking, and that's protecting citizens that are working overseas for American contractors against other American citizens who commit crimes against them.

Today, Mr. Speaker, in the Judiciary Committee, a brave young lady came and testified about what happened to her, an individual by the name of Jamie Leigh Jones from my congressional district down in Texas.

As a young 20-year-old she went to work for KBR Construction Company overseas in Iraq. She was there just a few days when she was sexually assaulted by several individuals. After she was assaulted, Army doctors intervened and treated her initially for her medical injuries, which were devastating. The medical doctors took and prepared a rape kit, as is supposed to be done in cases like a criminal investigation, and for some reason, they never turned that rape kit over to the Federal Government, to the Justice Department, to the FBI. They turned it over to the company, and it has subsequently been damaged and destroyed.

After Jamie Leigh Jones was sexually assaulted, she was imprisoned as a hostage in a trailer, as she says, where she was not allowed to leave, was not allowed to eat or drink water. She frantically was able to find a cell phone that one of her guards let her borrow. She called her father in Texas, and he called me. And within 48 hours the State Department had dispatched two agents from Baghdad Embassy, found Jamie Leigh Jones, rescued her, and brought her back to the United States.

We would hope, then, that our government would continue this investigation to find the rapist who committed this crime against Jamie Leigh Jones.

This occurred in the year of 2005, and for these 2 years we have heard blissful silence from the United States Justice Department on what they are doing, if anything, to find these criminals who committed this crime.

After Jamie Leigh Jones has now come public with this, my office has received numerous phone calls from other workers who were contract workers, civilians, all females who were assaulted while working in Iraq who are now coming forward to tell their stories. And in their case, like Jamie Leigh Jones, nobody has been prosecuted and held accountable for the crimes committed against these women, these American citizens, these American patriots who are working overseas with our military, but yet crimes are being committed against them. And there is silence from the Justice Department about what is being done, if anything.

It seems to me, Mr. Speaker, that Iraq and what has taken place against civilian workers is reminiscent of the days of the Old West, the Wild West, where crime was committed and no one was held accountable for their conduct.

There are hundreds of Department of Justice officials in Baghdad doing all kinds of things. Why aren't they investigating crimes against civilian workers that are being committed by other Americans? We don't know the answer. It's important that our government fulfill its first duty to its people, which is to protect them, and when crimes are committed against American civilians by other Americans in foreign lands, where we have jurisdiction in the green zone of Baghdad, that our government be relentless in bringing those people, those criminals, to the bar of justice and put them in jail rather than remain silent and not responding at all to these crimes.

So I would hope, Mr. Speaker, as this year ends and the next year begins that our Federal Government, our Justice Department, has a renewed interest in the Americans that are overseas. More Americans are serving in Iraq that are civilians than are serving in the military. And we know that crimes are being committed against them. It's important that those criminals be brought to the bar of justice and held accountable in a public trial because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

□ 1745

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

(Mr. CARDOZA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HOUSE SHOULD VOTE ON TREATMENT PARITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, with 54 million Americans suffering the ravages of mental illness and 26 million suffering from chemical addiction, the failure of this Congress to pass the Paul Wellstone Mental Health and Addiction Equity Act is a slap in the face to millions of Americans with mental illness and/or drug and alcohol addiction. It's also the biggest failure of this session of Congress.

Congress' failure to knock down the discriminatory barriers to treatment is a matter of life or death for people suffering from mental health and addiction diseases, diseases that took the lives of over 200,000 Americans last year alone.

Just 2 weeks ago, my friend of over 25 years took his own life as a result of depression. He joined 34,000 other Americans who have committed suicide from depression this year.

In my home State of Minnesota, Anna Westin was a young woman with anorexia. She suffered for several years from this terrible disease. Her parents' insurance company refused to cover the inpatient treatment that she desperately needed. Distraught at her condition and being a financial burden on her parents, young Anna took her own life.

Representative PATRICK KENNEDY and I held 14 field hearings across our country this year on the need to end insurance discrimination against mental illness and addiction. We heard story after story after story like these.

We heard from Steve Winter, who traveled in his wheelchair to several of our field hearings. When Steve was a young teenager, he awoke one morning with a stinging pain in his back. He stumbled downstairs to breakfast. He realized that blood was streaming down his back. He heard his mother's voice say, ''Your sister is in heaven, and now you and I are going there to join her.'' His mother was pointing a gun at him. She had been taken off the schizophrenia drugs she desperately needed. As Steve put it, ''My mother didn't shoot my sister and me; her mental illness did.''

Clearly there are not many families in America, Mr. Speaker, who haven't been touched in some way by mental illness or addiction. Like my close personal friend, like Anna Westin and Steve Winter's sister, I could have been one of the thousands of Americans who die each year from mental illness and chemical addiction.

For on July 31, 1981, I awoke in a jail cell in Sioux Falls, South Dakota, as

the result of my last alcoholic blackout after abusing alcohol for 12 long and painful years. I'm alive and sober today, Mr. Speaker, only because of the access I had to treatment in 1981. I'm living proof that treatment works and recovery is real.

But too many people don't have that access to treatment. It's a national disgrace that 270,000 Americans were denied addiction treatment last year. It's a national tragedy that 160,000 of our fellow Americans died from chemical addiction and 34,000 died from suicide as a result of their depression. And it's also, Mr. Speaker, a national crisis that untreated addiction and mental illness cost our economy over $550 billion last year.

And what is Congress' response? Despite bipartisan passage by three House committees and two subcommittees, we were denied a vote in the full House on the Paul Wellstone Mental Health and Addiction Equity Act.

This legislation would give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory barriers on treatment. As many as 16 million Americans in health plans could receive treatment under this act.

Despite the 273 cosponsors of H.R. 1424, this treatment parity bill, no vote was held. Despite the tens of millions of Americans suffering the ravages of addiction and mental illness, no vote was allowed to increase their access to lifesaving treatment.

Mr. Speaker, it is time to end the discrimination against people suffering from mental illness and chemical addiction. It's time to end the higher copayments, deductibles, out-of-pocket costs, and limited treatment stays, discriminatory barriers to treatment that don't exist for any other diseases. It's time to treat mental illness and chemical addiction under the same rules as physical illnesses.

Mr. Speaker, it's time for the House of Representatives to vote on the Paul Wellstone Mental Health and Addiction Equity Act. Those still suffering cannot afford to wait any longer.

RECOGNIZING CRAIG PENDLETON, FOUNDER OF NORTHWEST ATLANTIC MARINE ALLIANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I would like to take a few moments to talk about Craig Pendleton, a fisherman from Maine who has dedicated his life to protecting and supporting small-boat fishermen and the communities that depend on them.

Craig is part of a long and proud tradition of fishing families in Maine. Like many fishermen in New England, he experienced the decline of major fishing stocks in the late 1980s and early 1990s and was frustrated by Federal management strategies that seemed to penalize fishermen without really helping to rebuild the stocks.

Many fishermen experienced that frustration, but Craig stands out because he responded by rolling up his sleeves and working hard to find solutions. In 1997, my first year in the Congress, Craig founded the Northwest Atlantic Marine Alliance, or NAMA.

The purpose of NAMA was to work with fishermen up and down the coast of New England to articulate a vision for the future of fishing and fisheries management. Most of these fishermen were small owner-operators who had never participated in politics or management, but through NAMA Craig was able to get them involved.

NAMA was a new voice in the debate over how to manage New England's fisheries. Environmental organizations and Federal managers had long recognized that fish stocks were in trouble, but the small family fishermen were typically shut out of high-level discussions about how to solve the problem. These were the people without advocates, without lawyers, without expensive lobbyists. However, they were often the first to suffer the brunt of any new limits on fishing.

These are the fishermen that NAMA fights for. Over the years, under Craig Pendleton's lead, NAMA has worked tirelessly to help local fishermen understand the complicated jargon of new Federal fisheries regulations and draft their own proposals for new fisheries management plans. I worked closely with Craig and NAMA when I drafted provisions in the recently reauthorized Magnuson-Stevens Act to protect the interests of small-boat fishermen. Fishermen feel empowered by NAMA.

Recently, NAMA became one of the leading proponents of Area Management, an innovative fishery management strategy that allows local communities to take a leading role in managing fisheries resources. The strategy rests on the commonsense idea that fishermen, if they choose, should be able to take responsibility for environmental stewardship and the fair allocation of fisheries resources in their own communities.

Recently, Craig Pendleton announced that he is stepping down from the position he has held for 12 years as coordinating director of NAMA. Here today on the floor of the House, I would like to recognize Craig for all his years as a tireless advocate for fishermen and fish and for all that he has achieved for small-boat owners and operators in Maine and across the country.

I admire Craig and the other men and women involved with NAMA because they are willing to endure significant personal sacrifice to ensure that the fishing industry and way of life that they love are preserved for their children and grandchildren. I hope that those future generations will stand at the helms of their fishing vessels and see our time as a turning point, when small fishing communities across the country began to take a leading role in the management of the fisheries resources on which they all depend. Craig Pendleton is a pioneer of that movement, and I would like to thank Craig on behalf of the people of Maine and wish him the best in his future endeavors.

The SPEAKER pro tempore (Ms. CLARKE). 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 HEALTHY HOSPITALS ACT

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. Madam Speaker, over the last several months, and certainly over the last 2 weeks, Congress has had a number of accomplishments. Today we did a number of things that were important such as funding for our troops. We also improved toy safety. But there have been a number of other opportunities which, unfortunately, with the schedule that we missed, that we could have done and should have done and I hope next year we will do. And that is while we are looking at issues to improve health care and reduce health care costs, when we talk about Medicare or Medicaid or SCHIP, one of the things we should have done was really work to lower costs and save money and save lives.

We hear both sides of the aisle these days talking about the costs of everything: The national debt in the trillions, earmarks need to be reduced, health care is too expensive. But too often we keep talking about these problems or saying perhaps Congress can find a way to pay for these things. But shouldn't we look at how to fix the problem and not just finance it?

We had a solution in front of us that could have saved $50 billion in health care costs. But it didn't happen.

Earlier this year I introduced H.R. 1174, the Healthy Hospitals Act, which received strong bipartisan support. This legislation is a simple solution to lower costs associated with hospital- and health care-acquired infections.

The implementation of this bill is not expensive; it only requires hospitals to publicly disclose their hospital-acquired infection rates and follow simple cleanliness techniques that we already expect our caretakers to follow, things you assume that hospitals and clinics are doing, but, unfortunately, they are not always doing that: washing their hands, wearing gloves, sterilizing equipment before and after uses, testing patients for other diseases prior to treatment or admission to hospitals, giving antibiotics before and after surgery. These aren't

revolutionary ideas; they're just ideas that too often are not followed.

Well, how much of a difference does it really make letting the public know about hospital-acquired infection rates of individual hospitals? In my home State of Pennsylvania, to give a great example of what hospitals can do when they're held accountable for these infections, many hospitals, where they are now required by law to publicly post on the Internet their infection rates, have seen their rates drop to zero or near zero. Incredible, and a good story.

According to the Pennsylvania Health Care Cost Containment Council, the average charge of hospitalization in 2005 for a patient who became infected with a hospital-acquired infection was over $185,000, but the average charge for a patient without infection was $31,000. That's $31,000 versus $185,000, a difference of over $150,000 per patient. Doesn't that tell us what we can be doing to save money and save lives? Now, multiply that statistic by 49 other States and we see what happens. We need to seek areas where we can reduce costs.

Let me point out the grim statistics of this year as of today. This year's toll of health care acquired infections, such as pneumonia, urinary tract infections, or what's been called the ''super bug of methicillin-resistant infections,'' as of today, 1,934,246 cases, 87,010 deaths, and over $48 billion spent on infections people acquired when they go to the hospital or go to the doctor.

Twenty-two other States have taken some steps to reduce these, and we need to make sure we make this a universal system of recording.

I hope that we work this next year to emphasize patient choice, patient quality, and patient safety, and pass H.R. 1174.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3890. An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2436

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

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

''(1) APPOINTMENT.—

''(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

''(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

''(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

''(D) REMOVAL.—The Commissioner may be removed at the will of the President.

''(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX TECHNICAL CORRECTIONS ACT OF 2007

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4839) to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4839

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tax Technical Corrections Act of 2007''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal 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 a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 9. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 10. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 11. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) SPECIAL RULES.—

''(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

''(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

''(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

''(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

''(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

''(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

''(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

''(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 8. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 9. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 10. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 11. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Subsection (c) of section 48 is amended by striking ''subsection'' in the text preceding paragraph (1) and inserting ''section''.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(11)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

''(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.''.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(12) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(13) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(14)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(15) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(16)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(17)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(18) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(19) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(20) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(21) Paragraph (33) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(22) Paragraph (36) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(23) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(24)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(25) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(26) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(27) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(28) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(29) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(30) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(31) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(32) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(33) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(34)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(35) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(36) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(37) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(38) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(39)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(40) Subsection (a) of section 6695A is amended by striking ''then such person'' in paragraph (2) and inserting the following: ''then such person''.

(41) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(42)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(43) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(44) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(45) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(46) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(37), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

The SPEAKER pro tempore. The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHIMP HAVEN IS HOME ACT

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1916) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1916

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 ''Chimp Haven is Home Act''.

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking ''If any chimpanzee is removed'' and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking ''except as provided'' in the matter preceding clause (i) and all that follows through ''behavioral studies'' and inserting the following: ''except that the chimpanzee may be used for noninvasive behavioral studies'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking ''under subparagraphs (A) and (B)'' and inserting ''under subparagraph (A)''.

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NICS Improvement Amendments Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.
Sec. 106. Illegal immigrant gun purchase notification.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter's disqualifying mental health information was available to NICS.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term ''court order'' includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms ''adjudicated as a mental defective'' and ''committed to a mental institution'' have the same meanings as in section 922(g)(4) of title 18, United States Code.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term ''misdemeanor crime of domestic violence'' has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding'';

(2) by striking ''On request'' and inserting the following:

''(B) REQUEST OF ATTORNEY GENERAL.—On request'';

(3) by striking ''furnish such information'' and inserting ''furnish electronic versions of the information described under subparagraph (A)''; and

(4) by adding at the end the following:

''(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

''(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

''(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

''(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

''(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.''.

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act, a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act, the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms ''unlawful user'' and ''addicted'' are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ''NICS''), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $250,000,000 for fiscal year 2011, $125,000,000 for fiscal year 2012, and $125,000,000 for fiscal year 2013.

(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—

(A) During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the ''Director'') shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $62,500,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $125,000,000 for fiscal year 2011, $62,500,000 for fiscal year 2012, and $62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

Mr. PRICE of Georgia (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

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

There was no objection.

MOTION OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. MCCARTHY of New York. Madam Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mrs. MCCARTHY of New York moves that the House concur in the Senate amendment to H.R. 2640.

Mr. BOUCHER. Madam Speaker, I rise in support of the measure which I am pleased to cosponsor with the gentlelady from New York, Mrs. MCCARTHY, and the gentleman from Michigan, Mr. DINGELL. I want to thank both of my colleagues for their careful and constructive work on the legislation.

The bill before us today is a well-tailored response to the tragedy that occurred earlier this year in my Congressional District at Virginia Tech University.

It also meets a nationwide need for better reporting of mental health records to the National Instant Criminal Background Check System, against which prospective gun purchases are checked to determine whether they are eligible to purchase firearms.

Under existing federal law, which was also in effect at the time of the Virginia Tech tragedy, persons who have been adjudicated to be a risk to others or to themselves because of a mental condition are barred from purchasing firearms.

The perpetrator of the Virginia Tech tragedy had been adjudicated to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under federal law in effect at the time, he should have been barred from purchasing the firearms he used.

However, at the time the purchases were made, Virginia did not submit to the National Instant Background Check System mental health records of persons who were committed for outpatient as opposed to inpatient mental evaluation.

Therefore, the disqualifying adjudication that the perpetrator was a risk to himself was not submitted to the background check system, and he was able to purchase firearms.

Ironically, at the time Virginia had the best record among the States for submitting mental health records to the national system.

Since the tragedy, Virginia's mental health record submissions have been made much more thorough by an executive order signed by Tim Kaine, the Commonwealth's Governor.

Nationwide, the number of mental health records submitted by the States to the federal database has doubled since the tragic events of April. I am pleased by this progress, but there are further improvements to be made, as 18 states currently do not submit names to the federal database.

The bill we will pass today will further improve the submission of mental health records nationwide by providing grants to States which undertake projects to make more thorough record submissions.

I also support the changes made by the Senate which strengthen the appeal process provided by the bill for individuals to have their names removed from the database if their mental health records are inaccurate or outdated. These changes will further ensure the accuracy of the National Instant Background Check System.

I commend Mrs. MCCARTHY for her longstanding effort to take these necessary and constructive steps, and I urge passage of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2640, S. 2436, H.R. 4839, and S. 1916.

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

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING JACKIE WILLIAMS' SERVICE TO OUR DEPLOYED TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina, (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to highlight a true hero of the American home front. While our brave men and women of the armed services are stationed abroad, it is more important than ever that average Americans take steps to remind our military personnel that they are not forgotten.

Jackie Williams of Winston-Salem, North Carolina, is a home-front hero. Ms. Williams, who owns a candy store called Sweeties, has taken her skills as a connoisseur of sweets and used them to brighten the days of our deployed men and women.

To date, she has organized local community organizations, businesses and families to send more than 300 care packages to our troops. These packages, which she has dubbed ''Goodies Ready to Eat,'' or GREs, have been encouraging our men and women in uniform around the world since this past July.

The work and care of Ms. Williams and those like her is a priceless contribution to our troops' morale as they are stationed around the world and away from their families. I applaud her for her commitment to showing our troops that we are thinking of them and look forward to their quick and safe return home.

WAKE FOREST MEN'S SOCCER NATIONAL CHAMPIONSHIP

Ms. FOXX. Madam Speaker, I rise today in celebration of Wake Forest University's national soccer championship win this past weekend. On December 16, the Wake Forest Demon Deacons men's soccer team defeated Ohio State 2–1 in the NCAA's College Cup championship game.

The Deacons scored both of their goals in the second half to come back from a 0–1 deficit to seal the deal for a 2–1 win before a capacity crowd in Cary, North Carolina. The Deacons had 22 wins this year, and their national championship win is a fitting capstone to a long road to victory for Wake Forest soccer.

In the championship game against Ohio State, junior forward Marcus Tracy scored the Deacons' first goal to tie the game with 24 minutes left. It was Tracy's third goal of the College Cup, and helped to earn him the honor of being named the most outstanding offensive player of the College Cup. On the defensive side, goalkeeper Brian Edwards earned the College Cup's outstanding defensive play award.

With the game tied 1–1, Zack Schilawski, a sophomore striker, scored the winning goal on a pass from Tracy with 12 minutes on the clock. This goal propelled Wake Forest to a national championship and snapped Ohio State's 15-game unbeaten streak.

I salute the fine soccer players and coaches at Wake Forest led by Coach Jay Vidovich for winning the University's first national soccer championship. Their inspiring performance is worthy of the most hearty congratulations.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

NICS IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Madam Speaker, a few minutes ago, H.R. 2640 was passed in this House. This legislation was passed in the year 2002. Late this afternoon, the Senate passed H.R. 2640, which is the NICS bill.

Madam Speaker, this is something that I have been working on for over 11 years to try to reduce gun violence in this Nation. I'm happy to say that, with working with the NRA, the Brady Center, Mr. DINGELL, Mr. COBURN from Oklahoma and Mr. SCHUMER from New York, we have finally come together to pass legislation which, in my opinion, is going to save many lives.

This particular piece of legislation, which many of my constituents and people around the country that watch this know that I've been talking about at least once a week for the last number of years, to me, this is the best Christmas present I could ever receive.

Two weeks ago was the 14th anniversary of my husband's death, and five others. My husband and son were coming home from work, and unfortunately my husband was killed and my son was seriously injured. And it was down the road that my son was recovering that I promised him that I would do all I could to help a family not go through what myself and many other families go through, unfortunately, on a daily basis. And that day has come.

We have seen the Virginia Tech shootings. We have seen the shootings in other parts of the country in the last few weeks. This bill can help save lives, but it also shows that when opposite sides work together, which we should all be doing here in this Congress for the American people, we can do some good.

As I said earlier, I worked with the NRA and I worked with the Brady Center, and we came together with an understanding of putting our differences aside to work out a good piece of legislation. This is a proud moment for Congress. This is a proud moment for the American people to see how we can work together.

I know that there are many on both sides of the issue that feel that some of us are just trying to take away their right to own guns. That has not ever been my intention. I have always just wanted to have gun safety issues put forth so we could save people's lives. This piece of legislation, the NICS Improvement Act, will do that.

There was a little confusion going back that we were going to be hurting our veterans . That is not true. Working with Mr. COBURN, and certainly Mr. DINGELL, we have shown that it is not going to take away the right of our veterans coming home to be able to own a gun. We have clarified the language so that there is no misunderstanding.

I am looking forward to working with my colleagues on both sides of the aisle and both sides of the issue on how we can reduce gun violence in this country because the more we can reduce gun violence, hopefully we can also cut down the 30,000 people that die every year.

I had mentioned last week that since I've been in Congress, 330,000 people have died. That's not counting the amount of people that are injured every single year and what it does for the health care costs of this Nation. When we spend over $2 billion a year on health care costs for those that survive, there is something wrong.

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I am hoping that down the road I can continue to work with the NRA and continue working with the Brady Center to come up with commonsense solutions on how we can save lives without getting into the rhetoric of us trying to take away their guns or guns don't kill. That is not the debate. The debate is how are we going to keep the guns away from people that shouldn't be able to own guns.

Madam Speaker, I wish everybody a merry Christmas. This will save lives, and this is devoted to the victims that have been hurt over these many years.

I'd like to thank my good friend Congressman DINGELL for all of his hard work in making this moment a reality. I'd also like to thank my friend Senator SCHUMER for carrying this legislation through the Senate.

Today is five years in the making.

On March 12, 2002, a senseless shooting took the lives of a priest and a parishioner, Mrs. Tosner, at the Our Lady of Peace Church in Lynbrook, New York. The man who committed this double murder had a disqualifying mental health condition and a restraining order against him, but passed a background check because his personal history was not entered into the NICS database.

This same scenario happens every day.

The shooter in the Virginia Tech massacre was prohibited from purchasing a firearm. Unfortunately, flaws in the NICS system allowed his record to slip through the cracks.

He was able to purchase two handguns, and used them to brutally murder thirty two individuals. We saw this trend continue last week with shootings in Nebraska and Colorado.

Individuals who shouldn't have access to guns are getting them with ease are our killing innocent people.

The NICS system is supposed to prevent this from happening, but a database is only as good as the information put in it and many states don't have the resources to keep the NICS database up to date.

The National Instant Criminal Background Check System, or NICS, is deeply flawed.

Millions of criminal records are not accessible by ICS and millions others are missing critical data, such as arrest dispositions, due to data backlogs.The primary cause of delay in NICS background checks is the lack of updates due to funding and technology issues in the states.

Many states have not automated the records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence. Simply, put, the NICS system must be updated on both the state and federal level.

According to a Third Way report, over ninety one percent of those adjudicated for mental illness cannot be stopped by a background check due to flaws in the system. But this issue allows other barred individuals to purchase firearms. Twenty five percent of felony convictions do not make it into the NICS system.

That is why I introduced the NICS Improvement Act.

My bill would require all states to provide the NICS system with the relevant records needed to conduct effective background checks. It is the state's responsibility to ensure this information is current and accurate. They must update the records to ensure violent criminals do not have access to firearms.

However, I recognize, many state budgets are already overburdened.

This legislation would provide grants to states to update their records into the NICS system. States would get the funds they need to make sure records relevant to NICS are up to date.

While the NICS system does have major flaws, it is responsible for preventing thousands of barred individuals from purchasing firearms.

Approximately nine-hundred and sixteen thousand individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, when the NICS system began operating, and December 31, 2004.

During this same period, nearly forty nine million Brady background checks were processed through NICS. By improving upon the NICS system, we can stop criminals from falling through the cracks. Today, we are one step closer to bringing the records of millions of barred individuals into the NICS system.

No system will be perfect, but that does not mean we should not work to make improvements. This is good policy that will save lives and should be passed by the House. My legislation imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens. In fact, similar legislation passed the House in 2002.

Today, Congress will stand up for the victims and pass common-sense legislation. This is the best Christmas present Congress could give those whose lives have been changed by gun violence.

This legislation will help ensure that people who are legally ineligible to purchase a gun will not be able to purchase them.

This bill poses no new burden on law-abiding gun owners or gun sellers. It simply enforces current law. This legislation has the widest range of support imaginable. The National Rifle Association and the Brady Campaign have endorsed this legislation.

We have worked across both partisan and ideological aisles to make this bill law. The cooperation from members of both parties and from people on both sides of the gun issue should serve as a model for this Congress.

We can work together to find common sense solutions to our problems. These problems shouldn't divide us, but bring us together to make our country a safer and better place.

Personally, this is a very important moment for me. I have been fighting for common sense gun laws for 14 years since my own life was changed forever by gun violence.

Tonight, I'm one step closer to the goal of making sure other families never have to experience what mine did 14 years ago.

Madam Speaker, I thank you for the opportunity to speak on this issue that is so important to me and other Americans whose lives have been affected by gun violence.

PATRIOT WEEK IN TRENTON, NEW JERSEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, I rise today to call the attention of my colleagues to Patriot Week in Trenton, New Jersey. On December 26, 1776, Colonial soldiers under the command of General George Washington crossed the Delaware River and engaged in the first Battle of Trenton. As Thomas Paine wrote, this happened during ''times that try men's souls; the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.''

On this historic day more than two centuries ago, over 2,400 patriots proved that they were not summer soldiers, battling their way through a winter sleet storm, strong winds and the ice-strewn Delaware River. Against all odds, Washington and his soldiers completed the crossing, marched silently to Trenton on Christmas night with cannon, and arrived taking the Hessian garrison by surprise. This engagement, followed by the pivotal Battle of Princeton, has been called ''the beginning of the winning.''

The crossing of the Delaware is a story that must be told again and again so all generations will know this feat and the new life it gave the American Revolution. On December 26 through 31 of this year, again this year, the Trenton Downtown Association will celebrate the 131st anniversary of this history-changing event through Patriot Week, the largest Revolutionary War festival in America.

Patriot Week in the Trenton area will include over 50 events, including the reenactment of Washington's crossing of the Delaware, puppet shows and other children's activities, tours by bus and on foot, and lectures and panel discussions. These events will help pass down this great and important story to our children and to adults, the story of the War for Independence. I am sure these events will be both informative and entertaining, as they have been in previous years, and I look forward to attending some of these events myself.

I am proud that in my central New Jersey district we honor the sacrifices that were made to found this great Nation through events like Patriot Week and through the Crossroads of the American Revolution which commemorates 14 counties in New Jersey where the War for Independence took place.

However, our battles against Britain for a free and democratic nation took place in over 19 States and over two wars, and each of these States has its own unique story about its role in the American Revolution and the War of 1812. Many States, however, have not taken sufficient steps to preserve the sites of those battles. Out of the 825 significant battlefields and associated sites of the American Revolution and the War of 1812, more than 100 of these battlefields have been lost, about 250 are in fragmented or poor condition, and another 220 are in danger of being destroyed within the next few years. Therefore, some of us have sponsored here in the House of Representatives the Revolutionary War and the War of 1812 Battlefield Protection Act, H.R. 160, and the Revolutionary War and War of 1812 Commemorative Coin Act, H.R. 158. H.R. 160 would create a national program for the preservation of historic battlefields. It would allow officials of the American Battlefield Protection Program to collaborate with State and local governments and nonprofit organizations to preserve and protect the most endangered historical sites and to provide up to 50 percent of the cost of purchasing battlefield land threatened by sprawl and commercial development. H.R. 158 would provide the necessary funding for these purchases by authorizing the creation and issuance of commemorative coins for these two wars.

History is best understood by those who have had the opportunity to touch it, experience it and live it. On December 26 through 31, over 4,000 people will be reliving the history of the Battle of Trenton during Patriot Week. It is my hope that Congress will pass H.R. 160 and H.R. 158 to allow other States the privilege of preserving their historic battlefields where their citizens, and

all citizens, can experience the history of the founding of our great Nation.

IN MEMORY OF REUBEN WHEATLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Again, Madam Speaker, it is a privilege to be speaking to my colleagues as you preside over this Chamber, and we thank you for your leadership.

I am privileged this evening to be able to stand on the floor of the House and salute a very dear friend, a friend who will commemorate and celebrate for his homegoing ceremony on this coming Friday, December 21, 2007. We will lay this battle-worn warrior, this friendly and wonderful public servant, Reuben Wheatley, to rest. I stand here as a longstanding friend, as a grateful member of his community, for all that he did to promote equality and justice and freedom.

Yes, Reuben Wheatley, born September 15, 1921 was, in fact, a member of the movement both in terms of creating opportunities for those of African American heritage and others and as well in fighting for the working men and women of America.

He was the proud son of Fifth Ward. Yes, that is in Houston, Texas, but everybody knows there is something called proudly Fifth Ward, Texas. Educated in the Houston Independent School District, and certainly whenever you would see Reuben, he would talk about his beloved Wheatley High School, Phyllis Wheatley High School, and he was an all-star member of the track team, the football team and the basketball team. And he was quick, regal, tall and quick. They called him ''Rabbit.'' He joined the church at the Sloan Memorial United Methodist Church, a church still standing proudly in Fifth Ward.

But yet as this young man grew, he loved this Nation. And in 1941 he heeded the call of this Nation, the need of this Nation and went to war, World War II. He participated in the European Theater of Operations and was honorably discharged by the United States Army as master sergeant. He had the good sense, if you will, when he returned to marry Helen McCree his high school sweetheart, on November 18, 1945.

How grateful we are that he was one of the returning heroes, that as he battled in World War II, he lived to be able to enjoy the partnership, friendship and love of Helen McCree, now his wife, Helen Wheatley.

His father was a longshoreman, and in those days, the union and working for the union and working for the longshoremen, that was a job for African Americans that was a legacy, an opportunity, a step up. And so when he came back from the war, he joined in the footsteps of his father and became a member of the International Longshoremen's Association, Local Number 872.

And boy, did he become a member, and did he not serve. Reuben Wheatley had his hands on the pulse of the community. He understood the importance and the necessity of empowerment of minorities. He was one of the champions of the election of the Honorable Barbara Jordan. Almost every elected person that could come out of Fifth Ward, Reuben Wheatley was there. He was there for Mickey Leland. And I am so grateful that he stretched his arms to be there for SHEILA JACKSON-LEE. As I ran for judge and city council, he saw in me something worth investing in.

Thank you, Reuben, and thank you to your wonderful family, your daughters, who you love so dearly, one in particular was named the name that I have, Sheila. And she, of course, along with her siblings were stars, and they were that because of Reuben and his wife Helen.

And so I am here today to thank you, Reuben, for now you fly where the angels fly. Thank you, Reuben, for being regal and tall. Thank you for smiling. Thank you for loving. Thank you for being that star at Wheatley so that your classmates can enjoy talking about your exploits on the football field, the basketball court, and the track, and yes, to remember that friendly name, ''Rabbit.''

Thank you for your faith and your commitment to your country. Thank you for your commitment, again, to family. Houston, Texas, the State of Texas and certainly our Nation is better because you yet lived. On Friday, it will be a celebration. Although tears will fall, we will be so grateful to continue to see you even as I speak, walking lightly in front of us.

Madam Speaker, it is certainly great to be able to say tonight, ''Well done, thou good and faithful servant.'' And that is what we say to Reuben Wheatley as he is laid to rest. We celebrate him and congratulate his life. God bless the family, and God bless him as he rests.

CONGRESSIONAL RESOLUTION IN MEMORY OF REUBEN WHEATLEY

Whereas, on September 15, 1921, God blessed Emory McMillan, Sr and Creola Boyd Wheatley with the birth of their son, Reuben; and

Whereas, as a proud son of the Fifth Ward, Texas Wheatley clan, Reuben was educated in the Houston Independent School District. At his beloved Phillis Wheatley High School, he excelled in football, basketball, and track and field earning the nickname ''Rabbit''; and

Whereas, Reuben was presented to Christ by his parents at Sloan Memorial United Methodist Church. He later joined his bride at Pleasant Grove Missionary Baptist Church and subsequently, both as faithful servants of the Lord, joined Brentwood Baptist Church; and

Whereas, in 1941, Reuben honored the call to serve his country during World War II. He participated in the European Theater of Operations and was honorably discharged from the United States Army as Master Sergeant. Upon his return from the service in 1945, Reuben married Helen McCree, his high school sweetheart, on November 18th; and

Whereas, in 1946, Reuben began his career along the shore working on the Houston docks where his father had worked since 1921. He was a member of International Longshoremen's Association, Local #872; and

Whereas, he served his home local as Trustee, Recording Secretary and Business Agent before being elected President in 1971. In 1975, he became Executive Vice President of the South Atlantic and Gulf Coast District of the ILA; and

Whereas, he served as an active board member of Family Services of Greater Houston and an avid financial supporter of the United Negro College Fund; and

Whereas, Reuben was deeply committed to his community and his civic involvement reflected his concerns; and

Whereas, the memory of Reuben Wheatley will forever be in our hearts and minds as we go forth to celebrate his life today; and now, therefore, be it

Resolved, That on behalf of the constituents of the Eighteenth Congressional District of Texas, Reuben Wheatley will be remembered for his devotion to his family, his community service, and his passion for music. His life will serve as an example to all of us to continue his legacy to serve others. His death is a great loss to us, but we know that his work on Earth is finished, and we believe the Master will say, ''Well done, thou good and faithful servant, enter. . . .''

A NEW DEBATE REGARDING LIBERTY, SOVEREIGNTY AND PROSPERITY OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCOTTER. Madam Speaker, I know that it is getting close to closing time, and I am in the unenviable position of being between so many good people and the door, so I will try to make sure that I give a truncated version of my simple desultory philippic to my constituents.

We in Congress are charged with the sacred duty of heeding and serving our constituents' aspirations and addressing their tribulations. We also have the responsibility of offering them a national vision and purpose and, most importantly, of putting them first in policymaking, which is why I have risen today to again lay before my constituents what I believe to be the four great generational challenges facing the United States of America.

Like the Greatest Generation, we face four challenges. The Greatest Generation, due to the rise of industrialization, faced social, economic and political turmoil. They faced a world war for freedom against an abjectly evil enemy. They faced the rise of the Soviet superstate as a rival model of governance and strategic threat, and they faced the moral question of whether the constitutional rights of all Americans applied equally regardless of race.

This generation of Americans in the age of globalization faces social, political and economic turmoil. We face a

world war for freedom against an intrinsically evil enemy. We face the rise of the Communist Chinese superstate as a rival model of governance and strategic threat, and we face the question of whether moral relativism will erode the foundations of a Nation built upon self-evident truths.

The Greatest Generation faced their challenges consecutively. This generation of Americans faces their challenges simultaneously. In the past year, this Congress, sometimes together, sometimes not, have striven to address some of these challenges, and I would like to quickly go through a couple of them.

In the area of globalization's economic, social and political upheavals, we have seen a continued emphasis on the role of the centralized Federal Government. This is done through taxation, increases in taxation and increases in spending. It is my belief that if we continue to build the monument to Big Government on the backs of the American taxpayer, we will exacerbate the economic and social turmoil, and, yes, political turmoil that they are experiencing. I believe what we need to do is go back to the fundamental concept and change the debate.

The debate about people's money staying in their pockets and about the government spending people's money, which was taken from their pockets, should be this: We must stop discussing how quickly government spending grows and start getting back to talking about how quickly government spending is reduced, because this directly affects the liberty, sovereignty and prosperity of the American people.

□ 1830

And, at least in my District, they feel they are in short supply of their own money and don't believe the Federal Government needs to take more from them.

In the war for freedom, we have seen a change of course in Iraq. It has been contentious and it has been difficult on the political level here in Washington. But, fortunately, progress in Iraq and with our troops is occurring. There is a long way to go, as we know from the fact that so many of our friends and family members that are serving in the military are not home with us for this holiday Christmas season.

But what we have seen, and I want to explain it again, is a fundamental change of course in this sense. The past mistakes of the reconstruction effort were based upon the imposition of a system, a system of governance and a system that was perceived to lead to prosperity. What is now being done, which is much more important and is a lesson for future generations of American policymakers, is that democracy cannot be imposed, liberty can be unleashed. When liberty is unleashed, when a people finally breathe free, as General Petraeus' plan recognizes, we must help them fashion their representative institutions in their own way.

In Iraq, this is being seen through local reconciliation, where you're beginning to see people who are finally out from underneath the oppressive Saddam Hussein regime and starting to come out from the oppressive reign of terror of al Qaeda and other murderers in the country who would take it back to a time when the government ruled through the bullet rather than through the ballot.

What we are seeing is them working with tribal leaders, religious leaders, pillars of order in their community, to begin to reconcile themselves to each other, to begin to recognize the future that they may have if they remain free and resolute in the face of evil. And you are beginning to see this national reconciliation lead to the reduction of violence in Iraq, and you will continue to see it if we remain courageous and remain prudent in our policies. You will continue to see this grow and evolve into a national reconciliation process. Again, this will not happen overnight, but at least this has occurred.

Unfortunately, in my mind, on the third great generational challenge we face, which is Communist China's rise as a strategic threat and rival model of governance, the administration and this Congress have largely continued their policy of unconditional engagement. I think the American people are much further ahead of policymakers in this instance.

As we have recently seen from the U.S.-China Economic Security Review Commission's report, people who are worried about dangerous imported products from Communist China should be. According to the Economic Security Review Commission's report, because of the closed system of the communist government in China, it is impossible or extremely difficult with any certainty to determine what products are defective or not before they arrive, and it is going to be increasingly difficult as time goes on as the regime consolidates its hold, which means that there is no simple resolution to the issue. We are trying to allow imports from Communist China to come in by spending more American taxpayer moneys on customs or inspections to allow these products to come in, because we will never know with certainty whether they are defective or not because, again, the closed nature of the Communist Chinese regime.

We have also seen in the area of national security repeated attacks by the People's Liberation Army through attacks on America's existing computer networks, both in industry and financial services, and in the United States Government itself. For example, what the Communist Chinese Government likes to do is set up front companies for people who are former members of the People's Liberation Army, and in this instance, we use the name Huawei, that is what it is called, which is trying to purchase a major U.S. supplier of cyberdefense technologies.

Now, this is still, at my last understanding, pending in front of the Committee on Foreign Investment in the United States, despite the fact that our own Office for National Intelligence has told us this is a strategic threat to the United States. Now, how is this occurring? This is occurring because people wish to refuse to believe that the Communist Chinese Government is engaged in massive espionage against the United States of America, both in terms of our private sector and in terms of our public sector, i.e., our Pentagon as being one prime example.

The reason that Americans or their policymakers are so loath to recognize this fact is because there is not a whole lot of support to be anticommunist anywhere, except from the American people. Well, I prefer to have that support than any kind of political or economic elite's momentary approbation. In fact, it was the Economic Security Commission's report that actually steeled my convictions and helped me with this, because we were now able to tell people that according to the Economic Security Review Commission, Communist China's espionage against the United States firms and our governmental entities is likely the number one strategic threat that we are facing at the present time.

So we will continue to work and push on this, not only because this is a strategic threat to us, but also, more importantly, the second part of the equation. Communist China is presenting itself to the world as a rival model of governance to Western democracies. The fundamental tenet of the Communist Chinese approach is this: That liberty is a danger to their people's prosperity and security. I am going to repeat this. The Communist Chinese Government believes that its own people's liberty are a danger, a danger to their stability and prosperity.

This is a direct contradiction to what we believe here in America and in the free world is that people's liberty leads to a nation's stability and prosperity. The reason this is dangerous is we need not look any further than Time Magazine's current Man of the Year to see that this school of thought, this neocommunism has advocates amongst people who were former communists, such as the former President of Russia, Lieutenant Colonel Retired Vladimir Putin.

As we watch Russia slide from the first steps in democracy back towards autocracy, it is Putin who is telling his people that their liberty stopped their prosperity and stability under the Yeltsin years, and if they just cede more liberty, they will again have stability and they will finally have prosperity.

Other tyrants throughout the world are watching this, from Chavez in Venezuela to Castro in Cuba, who is still clinging to power, and they are watching to see in the coming years, in the coming decades, what will be the preferred model of governance in the world.

Now, we know what the dictators would like. We know what all those who would subjugate their fellow human beings beneath their ideological bents would prefer to see. They would prefer to see liberty considered a danger, a threat, to humanity's stability and prosperity.

We will find them continuing to echo the siren song that we hear from people in Beijing and Moscow and elsewhere that echoes the words that we heard from Dostoevsky's Grand Inquisitor, ''Give them miracle, mystery and authority, but above all, give them bread.''

It is a materialist philosophy, it is a cynical philosophy, it is a neocommunist philosophy which we in the United States and the free world must reject. We must again reassert the primacy of liberty to all human beings as their divine right endowed to them by their creator and that the view of our free people that the future belongs to free nations, remains intact, not only for ourselves, but for all those who are oppressed and yearning to breathe free.

In the fourth area, the question of moral relativism eroding our foundational truth, we see this every day. We see this every day in the areas of faith, family, community and country. This Congress needs to do more to help reaffirm the historic role and the critical role that it currently plays, that faith currently plays in the lives of the American people and in the life and perpetuation of the American Republic.

Fortunately, Congressman RANDY FORBES, I believe, is going to be introducing a resolution to do just this, and to remind people that the constitutional right under the first amendment is to the free exercise of free religion. It is not for the freedom from religion. It is not for the excoriation of religion and faith from the public square.

In the area of family, we continue to see erosions by the State upon the parents' sovereign and I believe inviolable powers to impart their moral teachings to their children. We have seen this in Maine, where the situation was presented to parents where if you did not want your child to get birth control under the school medical program, then your child would get no health care at all.

This is a diabolical dilemma presented to parents, and there are some that are occurring throughout the country in various locales that are unreported, and this must stop. A parent's right to raise their child and impart their moral teachings to them, the inviability of the parental family structure, of the parent-child relationship, must be respected by this government, must be respected by all governments, and we must take appropriate steps to see that that continues.

In the area of community, we must do more to ensure that the voluntary mediating institutions, nongovernmental institutions, remain intact as a buffer between the sovereign American people and their subservient government.

What de Tocqueville saw when he went through the United States of America and what he expressed to us must always be remembered, that the true strength of America lies in its voluntary associations and its individual senses of community, which then grow upward into the grand Republic which we now have inherited.

If the government goes out of its way to continue to make it difficult for people to join volunteer associations or begins to let it be known or to subtly or directly try to coerce volunteer associations as the Boy Scouts and Girl Scouts, or such as Rotaries, Kiwanises and Chambers of Commerce, or, yes, labor unions, if these voluntary associations are infringed or encroached or eclipsed by the Federal Government, we are going to continue to see an atomization of individuals from their sense of community and we will continue to see a devolution of the true public purpose that is expressed by citizens in our Republic even today.

Finally, in the area of country, certainly we must do more to remind Americans not only of their civic rights and duties as citizens of the United States, but also the history of the United States. How can any individual citizen who is unaware of their rights, who is unaware of their duties, who is unaware of how a bill becomes law, how a constitutional amendment is adopted, how Congress spends money or who has the power of the purse, if they do not understand this, if they do not understand the history of their country, where we have been, where we are going, where we hope to, then they will be like lambs led before the shepherd of big government, because they will not know how to think for themselves in relation to government nor how to defend themselves from government actions and policies when necessary. This fourth area we must not overlook, because in many ways it is one of the most critical.

That is why when in facing these challenges, I believe it is important that we remember our shared American philosophical heritage, which is this: Men and women are transcendent children of God, equally endowed by their creator with inalienable rights.

Secondly, government was instituted to defend citizens' inalienable rights and to facilitate citizens' pursuit of good and true happiness.

Third, over the generations, divine providence has established and revealed through tradition, prescriptive rights and custom within communities, how order, justice and freedom, each essential, coequal and mutually reinforcing, are best arranged and nurtured for humanity to pursue the good and true happiness.

Finally, human happiness is endangered by every political ideology, for each is premised upon abstract ideas. Each claims a superior insight into human nature not revealed through historical experience, each proffers a secular utopia unattainable by an imperfect humanity, and each demands an omnipotent centralized government to forcefully impose its vision upon an unenlightened and unwilling population.

This is a shared heritage that transcends simply Republicanism or Democratism, for this is what was in the seminal documents of our Nation and this is what our Founders set out to do. It is from this shared philosophical tradition that we have been able to see in the United States the creation and perpetuation, even up to our generation, of American excellence.

Now, American excellence has a foundation and four cornerstones. Each of these is mutually reinforcing. Americans understand that our excellence is built upon a foundation of liberty, and the four cornerstones are sovereignty, security, prosperity and truth.

□ 1845

If we think about them individually, it becomes much more clear. Your liberty comes from God, not the government. Your sovereignty is in your soul, not in the soil. Your security comes not from the thin hopes of appeasement, your security comes from our collective love of liberty and from the courage of our fellow citizen soldiers who defend us in hours of maximum danger. Our prosperity comes from the innovation and perspiration of free people engaged in free enterprise, not from the growth of a government or from centralized planning or from higher taxes or from increased government spending. And, finally, our truths are communal. They have preserved over time. They have been perpetuated by families and institutions of faith and voluntary associations, and we revere them every day by voluntarily celebrating a culture of life.

This is what American exceptionalism is supported by. If we turn our back on that concept, then America is no longer an excellent Nation. If we go back and try to determine that somehow America exists to emulate other nations rather than America existing to inspire the world, we will be cheating our future generations of Americans of the legacy which we ourselves have inherited and which we ourselves so enjoy.

It seems to me that in this period of time that is very difficult, we must also make sure that we remember to have two goals as elected officials in this Congress. I think that the first goal we should have is to prevent the centralized Federal Government from growing ever larger and unaccountable by taking citizens' liberty and prosperity. And that is what happens through taxing and spending powers. And we must also reduce and decentralize the Federal Government and empower Americans to exercise their inherited and inalienable rights within

a culture of faith, family, community, and country.

To obtain these goals, I believe that we must take the following critical steps: One, we must empower the sovereign American people to protect and promote their God-given and constitutionally recognized and protected rights. All policies that we pursue should promote the decentralization of Federal governmental powers to the American people or to their most appropriate and closest unit of government. I believe we must also defend Americans' enduring moral order of faith, family, community, and country from all enemies. We must foster a dynamic market of entrepreneurial opportunity for all Americans. And we must honor and nurture humanity of scale and Americans' relations and endeavors.

This last point I would like to emphasize a little more directly. In the age of globalization, much like the age of industrialization, average Americans often felt that so many things were occurring to them outside of their control that they felt almost impotent in the face of the major changes that were occurring to them and radically altering their traditional way of life and their livelihoods. Fortunately, in the age of industrialization, Presidents with vision from Theodore Roosevelt to Franklin Roosevelt were able to help Americans through that transformational time.

We too must have such sagacity, because we too must recognize that in the age of globalization Americans oftentimes feel powerless against many of the forces that are shaping and radically altering their lives. And they look to the Federal Government, their duly elected servants, to try to help make sense of it, to try to help alleviate their sense of danger. And we must do this. We must do this with empathy, we must do this with creativity, we must do it with integrity. For to simply deny it does not exist or to simply say that somehow there are these mechanical determinative forces out there that no one can control such as globalization is not to do the American people justice, it is not to do ourselves any honor, or to provide to ourselves any honor in their service.

We can impact decisions that are the result of human decisions. Globalization is not a deterministic, mechanistic force, much as Engels and Marx said communism was and much as many of the globalists today say free trade is or any other economic determinative. This is not outside of people's control. People can still think their way through it. They can make sound policies within your Federal Government, with your help. And we can try to get through this difficult time with as little social, economic and political turmoil as we can. Or, instead, we can turn a blind eye to it, and we can watch as people continue to suffer many of the effects of globalization which could be ameliorated and which must be ameliorated.

Madam Speaker, I know the hour is late so I will not dawdle much longer. But I just want to say that while we have come to find ourselves in a global age, it is a perilous global age, but it is not a global age without hope. We are not the first generation of Americans; we are not the first people on this earth to face momentous challenges. And I believe that, like our fellow Americans before us and so many Americans, we will meet these challenges and we will transcend them. I believe we will preserve American excellence. I believe we will promote and defend the institutions of faith, family, community, and country against all enemies. And I believe that one day future generations of Americans will look back and say, well, they argued a lot; but they had a lot to argue about, but in the end they managed to get it right and we remain a free people. And I believe that the United States of America then, to the rest of the world, will be an inspiration to them for all the oppressed, for all those who yearn to breathe free, and that they will never lose hope that some day they, too, will enjoy in their own homes what we enjoy in ours.

Again, it will not be easy, it will not be immediate, but it will be done. We will preserve our shared heritage of freedom, and we will ensure that the permanent things amidst our ephemeral existence are preserved for future generations to come, because it is imperative that we make sure that things such as love, truth, beauty, justice, and honor remain because they surpasseth all politics and they give meaning to our somewhat troubled and yet ultimately majestic existence.

Madam Speaker, I would like to conclude my remarks by expressing my personal and my constituents' sincere appreciation and heartfelt prayers for the men and women who are serving the cause of freedom overseas in Iraq and Afghanistan and elsewhere throughout the world, as well as extending them to their families. May God continue to bless them and all of the majestic American people.

REVISIONS TO THE ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2008 THRU 2012

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. Madam Speaker, under section 301, 304(a), and 320(a) and (c) 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 year 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 consideration of S. 2499 (Medicare, Medicaid and SCHIP Extension Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	−4,877	−4,886	−313	−983	5,017	4,157
Energy and Commerce	−1	−1	366	362	−59	−63
Ways and Means	0	0	532	532	37	37
Change in Medicare, Medicaid, and SCHIP Extension Act (S. 2499):						
Education and Labor	0	0	25	6	25	18
Energy and Commerce	0	0	1,142	1,141	1,755	1,753
Ways and Means	0	0	2,298	3,497	−1,851	−1,851
Total	0	0	3,465	4,644	−71	−80
Revised allocation:						
Education and Labor	−4,877	−4,886	−288	−977	5,042	4,175
Energy and Commerce	−1	−1	1,508	1,503	1,696	1,690
Ways and Means	0	0	2,830	4,029	−1,814	−1,814

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 Medicare, Medicaid, and SCHIP Extension Act (S. 2499):			
Budget Authority	0	3,465	n.a.
Outlays	0	4,644	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,250,680	2,354,461	n.a.
Outlays	2,263,759	2,358,598	n.a.
Revenues	1,900,340	2,015,841	11,137,671

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.

Madam Speaker, under section 321 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 aggregates for the fiscal year period of 2008 through 2012. This is in response to the Senate Amendment to H.R. 3996, The Temporary Tax Relief Act of 2007. A table is attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. 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.

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 Temporary Tax Relief Act (H.R. 3996):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	0	179,816
Revised Aggregates:			
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	11,317,487

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.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 924. An act to strengthen the United States Coast Guard's Integrated Deepwater Program.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. Con. Res. 61) ''Concurrent Resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House.''

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to be before the House once again. Last night we didn't know when we would end today, and we did a lot of thank-yous and good-byes and seeing the good people that we work with here in the Capitol next year. But we wanted to come to the floor, and I know that Mr. RYAN and Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others will be coming down to give their closing comments. But, Madam Speaker, I think it is important for us to shed light on the actions of not only today, but the last 24 hours, what has happened, what will happen in the upcoming year, and all of the things that this first historic session of the 110th Congress and this New Direction Congress has accomplished.

Many times I have been on the floor and we talked about the difference between the glory and the story. And whenever there is glory, there is a story that is untold, and very few know about the story part. I think it is important, especially as we start to look at this point and look at where we are now as a country and where we are getting ready to go and where we have been in the recent past.

Two wars going on, an economic downturn, Americans losing their homes as it relates to mortgages. Also, issues that our servicemen and women have to face of not being with their family members at this very holy time of the year. And, Madam Speaker, if I can, I want to not only read into the RECORD but also share with the Members some of the things that we have done this past year in a bipartisan way, in my opinion, in many cases major pieces of legislation, and some we still have impasse on and we are going to have to work on it the next session.

I think it is important when we start looking at what this Congress accomplished, because we started out with saying that we had a Six in '06 agenda within the first 100 hours of this Congress. And if you listened to the President, the President may say, well, the Congress is not doing much. That is his opinion. Well, that is very interesting, because I remember being a part of Congress when we came in on Tuesday night and we left mid-day Thursday and got very little done. This Congress did everything but sit around and not respond to the needs of the American people.

We actually came here and we made America safer by passing the 9/11 Commission recommendations to protect America from terrorism. We also brought the largest veterans health care funding increase in the history of the VA. And I think that is important. You hear me speak very passionately about those that have laid it down, those that have put everything on the line so that we can salute one flag today.

We also passed an energy package which is historic, that is putting forth standards, increasing fuel efficiency standards to 35 miles per gallon by 2010, slash U.S. oil consumption by more than 4 million barrels per day by

2030. These are benchmarks that we want to meet as a country so that we can protect this earth for future generations and for the present generation. Also, expanding American-grown biofuels to 35 billion gallons by 2020, creating American jobs while we are doing it.

I think it is important for us to point back at the largest college aid expansion since the GI Bill in 1944, that cut interest rates in half on behalf of families that are trying to afford to educate their children and young people that are borrowing money to be able to educate themselves in many cases.

The first increase in the minimum wage in a decade.

I mean, the things that I am mentioning here, Madam Speaker, are accomplishments that I think far surpass my first two terms in Congress under Republican control. We did a lot of things for a lot of super-wealthy people. We carried out acts on behalf of special interests that the average American would never have an opportunity to enjoy. Here on this floor, we spent 4 years talking about what we would do if we got the opportunity, and that we have done it and we are still doing it. And it is not over and we are still in this story mode.

Our innovation agenda, promoting 21st century jobs for a global economy, is another accomplishment of this Congress. Aid to the Gulf Coast recovering from Hurricane Katrina and Rita. Waiving the Stafford Act requirements, the matching dollars, so that those communities and that gulf area will be able to recover. Just like Miami, just like your City of New York after 9/11, just like San Francisco had that waiver, we made sure that those gulf states and also those Americans down there that were struggling, that their cities are able to come back and their parishes are able to come back.

I think it is also important for us to look at the tax cut that passed this floor today for 19 million middle-class Americans that were facing an AMT hike because every year Republicans have treated it as though it is some sort of new thing by borrowing the money. Now, today there was legislation that came over from the Senate that we ended up voting and paying for because we wanted to make sure that firefighters and everyday first responders and those that are teachers that fall within that AMT that we call it, alternative minimum tax, make sure that they don't have to pay a higher tax.

Personally, Madam Speaker, because so many times here on this floor we talk about balancing the budget, making sure that we don't borrow on the backs of our children, I am committed that we are going to work out a way that we can vote for something that is paid for and that we can make sure that we make it happen without shutting the whole tax process down. I personally voted against paying for it with borrowed money, but I think that so many of my colleagues on both sides of the aisle that voted for it, to borrow the money today because we are in a crisis situation, we are going to be facing tough votes in the future. As we borrow from China, as we borrow from these other nations that not necessarily have our best interests at heart, I think it is important that we pay attention to that.

We worked very hard, this is a part of this story, we are not quite there yet, on the whole SCHIP legislation, which is the health care for 10 million children. We did reauthorize the existing program at the existing numbers so that we would not have crisis in the States where kids are depending on this health care. These are things that we have to do because we have to do them for now. But I can tell you, and I hope that the American people are paying very close attention, about the effort that this Congress has put forth, Mr. ALTMIRE, to make sure that we keep this government functional, that we try to run the government in a fiscal way, that we try to make sure that those that have been literally cut off from Federal assistance, that we are able to bring that assistance back to not only build States but also build communities and make sure that the U.S. taxpayers get what they deserve.

□ 1900

A couple of other points. I think it is also important that we look at restoring accountability, earmark lobbying, ethics reform. We have done all of that. It is all transparent and it is all there to make sure that integrity of the government is here. And we passed the pay-as-you-go rule that was adopted.

A number of other initiatives have passed this floor, and more rollcall votes have been taken in this first session of Congress. So really what we have done as Democrats and especially, Madam Speaker, you and Mr. ALTMIRE and others who have joined this Congress in this session, should be very proud going back home talking about the new day and the new direction that you ran for, that you played a role in moving this Congress into a new direction, and that is what we have done.

Mr. ALTMIRE. I appreciate the gentleman from Florida taking the lead in putting this hour together tonight.

Starting tomorrow, I am going to go around my district and talk about what we have done in this Congress. For me, this is an exciting time. As a freshman Member of Congress wrapping up our first year, the gentleman is correct, we have some enormous achievements to talk about. Right from the very first day, something that we talked about last night, we did reform of the ethics process here in the House of Representatives, including PAYGO budget scoring. PAYGO is something that business owners across the country know, and every person that runs their household knows. It is what you do with your own home checkbook. You have to have money on one side of the equation to spend it on the other. If you want to decrease revenues or increase spending, you have to have an offset. That is something that we did on the very first day.

That used to be the case in the House of Representatives. It was put into place in 1990, as the gentleman certainly knows. It led to the record surpluses of the 1990s when we had four consecutive budget surpluses following the all-time record deficits of the 1980s.

Unfortunately, when this administration took office in 2001, they did away with PAYGO and the Republican Congress at that time agreed that PAYGO shouldn't be expanded and reauthorized. And as a result, we now have had seven consecutive budget deficits, deficits that are forecast as far as the eye can see.

The most troubling part of those deficits is when we are borrowing against our children and grandchildren, putting our increased spending on the credit card and letting them take care of it later, the most troubling part is who is holding this debt that we are creating. And the gentleman from Florida was very articulate when he talked about the foreign-held debt and that this administration in the first 6 years added more foreign-held debt to this country than his 42 predecessors combined in 230 years.

So we have an administration that has no standing to lecture us, this new Congress, on fiscal responsibility coming as the all-time highest spending administration and record deficits.

So what we did on the very first day was put in place PAYGO budget scoring. We took a vote today, our last day, on the alternative minimum tax. And a lot of Members on the other side of the aisle talked about the fact that this is the first bill of this new Congress that did not comply with PAYGO scoring because we had to lower taxes for 23 million Americans because those are Americans that would have seen an increase in their taxes had this Congress not taken clear and decisive action today.

And we did it. One of the things about this job which I am finding out as a new freshman, and the gentleman from Florida and the gentleman from Ohio have known for a long time, you have to make tough choices. One of the choices we had to make today was the Senate sent us a bill that I wasn't entirely happy with. I didn't like the fact that the other body made a decision not to comply with pay-as-you-go. I had a choice to make, and I chose to lower taxes for 23 million Americans, 70,000 in the district in western Pennsylvania that I represent.

Now we will have to pay for that in the future, and hopefully we will do that as one of the first orders of business when we come back after the holiday break. But I am proud of the accomplishments of this Congress. I am proud of the fact that we can go home and talk about raising the minimum wage for the first time in 10 years.

Is there any other segment of our society that can say that they haven't seen even a cost-of-living adjustment, even a minor increase in their pay in the last 10 years? I don't think there is. So, for the first, time we raised the minimum wage.

We have an energy bill to talk about. The first time in 30 years that we have increased the mileage standards, the average mile-per-gallon standards of the fleet serving this country, foreign and domestic automobiles. That is a major accomplishment. Something that hasn't been done in three decades.

We can talk about these accomplishments, and I want to yield some time to the gentleman from Ohio (Mr. RYAN) because I know he is chomping at the bit to talk about his experiences this past year.

Mr. RYAN of Ohio. I appreciate the gentleman giving me an opportunity to share a few words. I think yourself and the gentleman from Florida (Mr. MEEK), my good friend, and other Members of this body agree, it has been a long year. It has been a long slog, and I think there have been in many ways a very complicated political scenario where in some instances where we are trying to pass children's health care, we have 80 votes in the Senate, enough to override a Presidential veto, but a rabid group in the House would back the President's veto and not allow us to override.

Some of our Republican friends were standing in the way of us getting SCHIP. My point is it is a very complicated political situation. I think within that context we have a tremendous amount of success. I think that as these bills begin to hit and get signed into law and the investments are made, I think the American people will begin to realize there has been a change in the direction of the country.

Believe me, we are nowhere near where any of us want to be. Nobody is happy, but we are satisfied to some extent that a lot of the programs that we have pushed forth will be signed into law, and have already in some instances been signed into law.

And those people who are in our congressional districts who are feeling the anxiety of globalization, of trade, of the economy, of the squeeze that is being placed on the middle class, I think we will see next year, if they are trying to put their kids through college and they go to take out a loan, and they recognize that last year when they took out the loan it was 6.8 percent and next year it will be 3.4 percent for college, they will recognize that something happened there, that it was the Democratic-led Congress who allowed that to happen.

When they go and apply for a Pell Grant and there is a few more hundred dollars that they qualify for, a thousand more over the next few years, those families will recognize that it was the Democratic-led Congress under Speaker PELOSI's leadership that allowed that to happen.

When you are working for minimum wage, whether it is two or three jobs, trying to piece your family together, you will recognize it was the Democrats who came in and made that happen.

When you see the auto industry begin to transform because of the amount of pressure that was put on them, CAFE standards and some other issues that we were able to work out to allow the auto industry to move forward and make these investments, that is because of the Democratic-led Congress.

Mr. ALTMIRE. On the subject of investments, that is something that had not been done in this Congress. We talked about the 6 years prior to the new Democratic Congress taking over, one of the things that had been unresolved was a water resources development bill, which is the critical infrastructure needs across this country, the most obvious of which is the gulf coast in Louisiana and Mississippi, what happened with Hurricane Katrina and the unmet investment since that time.

But all across this country, including in my district, we had severe flooding in western Pennsylvania in 2004 and again this summer. And we continue to have this discussion, and I am sure you have the same thing in Florida, that after the fact we come in and say, Why wasn't something done to prevent this? Why didn't we improve, in the case of western Pennsylvania, the locks and dams and the critical infrastructure that needs to be done to prevent the floods? Why didn't we bring in the Corps of Engineers and do the research and do the construction necessary to prevent the disaster from happening in the first place?

Well, that hadn't been done. The water resources development bill, WRDA, the WRDA bill hadn't been done. In 2-year increments, it is supposed to be reauthorized. They hadn't done it in 7.

So what did we do when we came into this new Congress? We made the difficult decisions and did the water resources bill. And as a result, $90 million in infrastructure investment is going to go into western Pennsylvania and fix this problem that I discussed in my district.

I know there is money going into the Florida districts that Mr. MEEK and Ms. WASSERMAN SCHULTZ represent, and I am sure Mr. RYAN has some need in his district.

But the critical investment in infrastructure is something that had been ignored for so long in this country. We are dealing with it. We made the difficult decisions and passed the bill, and we overrode the President's veto on it.

I do hear in my district frustration: Why aren't you taking on the President and why don't you do more to overturn his decisions? Well, we have divided government, and under the Constitution, in many cases the President, the executive, has the upper hand, especially in foreign policy.

He has vetoed a number of things. He has vetoed the children's health bill twice. Unfortunately, we lack the votes by a small margin to override those vetoes. He vetoed some of our appropriations bills. Multiple vetoes that we have come close to overriding on.

On the water resources bill, overwhelming bipartisan support to do the critical infrastructure investment that will prevent the flooding and that will prevent disasters in this country. I am proud of that accomplishment. That is something that hadn't been done.

Mr. MEEK of Florida. I just want to let you know, it ain't over yet.

Mr. RYAN of Ohio. It ain't over yet.

Mr. MEEK of Florida. We have a lot more work to do, and we are monitoring all of the things that we have to do and those that were not accomplished——

Mr. RYAN of Ohio. We are going to plow through them.

Mr. MEEK of Florida. We are going to plow through them and make sure that all of this happens. We are going to know those bills that made it through the process. We are going to know that those bills that made it halfway through the process. We are going to understand the pieces of legislation that misbehaved along the way, and we are going to make sure that we get it right.

I want to say something before the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) says something. We are going back to our neighboring districts down in Florida. I hate to talk about it in front of all of my good friends in the Clerk's Office about Florida and the sun and all of those things, but I want you to pay attention. You have to look at one another and pay attention to what is happening here.

This is the last night of Congress of the first session. The 30-Something Working Group is going to get an opportunity to adjourn the House for the year. We are all in the majority. We all serve on substantial committees. We all have families to go home to and do the things that we have to do. But we care enough, Madam Speaker, the commitment that we made to the American people that we were going to do what we said we were going to do, and we want to make sure that Independents, Republicans, Democrats, new voters, those thinking about voting, know that we have their back.

We don't have to be here tonight. That is the reason we are going to finish at 7:30. These people have commitments, too, and are ready to go home. But we are going to make sure that this goes into the RECORD so when the historians look at this time in this first session and all of the things that we tried to do to balance the budget and do all the things that we told them we would do in this first session, that we meant it and we held our own feet to the fire on this issue.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you, so much, Mr. MEEK and Mr. RYAN and Mr. ALTMIRE.

Let me tell you something else that we are laying down our marker on. We are not going away. The obstructionist Republicans might think that they have our number and that they have been able to block the efforts of this Democratic majority in trying to move this country in a new direction, but they will be sadly mistaken as we gradually turn this ship of State around. It takes a long time to turn a cruise ship around, something that is the size of this government, and it takes a long time to undo the horrendous damage that was done to this country during the 12 years of Republican majority in this Congress.

We slowly have been peeling the film of the culture of corruption that hung over this Capitol before we took the majority back.

□ 1915

We have feverishly worked to move this country in a new direction to expand access to health care, to make sure that we put our domestic priorities on the front burner. Now, we might have done that within the President's number, and that's essentially not what we wanted to do. What we wanted to do is make sure we weren't spending 10 times more in Iraq to continue this war than we were to increase the funding for health care and for education and for veterans health care funding. That's why, within the President's overall budget number, we reordered our priorities. We made sure that instead of cutting NIH funding grants and cutting health care, that we increased funding for the NIH grants. We made sure that we provide access to health care instead of cutting it by $595 million, that we increased it so that we could expand access to health care to more people. We made sure that instead of cutting veterans health care benefits we passed still the largest single increase in the history of the VA, a $3.7 billion increase.

We have a Democratic stamp on this budget. We passed a budget that has our priorities, the American people's priorities, and refocuses attention on the domestic needs that we have in this country, and we will be back after this recess and make sure that we are going to focus on the needs of the American people.

I'll be happy to yield to my friend

Mr. RYAN of Ohio. I think you make some great points because, you know, we have the veterans piece, the education piece, but I think you touched upon something when you started talking about the NIH and the energy research and investment that we're making in alternative energy. What we're trying to do, people are struggling. You know, people in our districts are wondering, especially in the Midwest in the manufacturing areas, what are we going to do? And what we're trying to do, I mean, you can't just give a job and the government hires everybody. But what we're trying to do, which I think Ms. WASSERMAN SCHULTZ has said, make these strategic investments in alternative energy, green-collar jobs, solar panels, I mean there's a lot of opportunity here. And in the health care field, the more research we do in the health care field the better off we're going to be, the more efficient the system, the more medical devices, the more research our scientists can do. There's a lot of opportunity here. So not only are we trying to raise the minimum wage, increase access to education, make sure our veterans are taken care of, which are all substantial accomplishments but, at the same time, make these long-term investments, where we're prying open different sectors of the economy.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield on the energy issue, specifically, we're trying to make sure we expand our investment in alternative energy research, that we use renewable energy resources, that we make sure that we reduce the carbon footprint that we have here in America, that we really significantly impact the continuing global warming that we have.

And do you know what our good friends on the other side of the aisle, Mr. ALTMIRE, have been trying to preserve? They've been trying to preserve subsidies for the big oil industry. That's the thing that we were not able to get done because the Republicans in the Senate and here blocked making sure that we could repeal $13 billion in subsidies for Big Oil, the most profitable industry in America.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I'm happy to yield to the gentleman.

Mr. RYAN of Ohio. We are moving in a new direction. We pushed and pushed and pushed with this AMT to get it paid for—$50 billion. And what we were going to do is close down loopholes where hedge fund owners and hedge fund operators are putting money offshore and basically hiding it. And the Democratic Party, Speaker PELOSI, our Blue Dogs united, liberals, Democrats, conservatives, all of us united saying pay for this. If not, the tax is going to tax people making 50, $75,000 in New Castle and Scranton, PA and Youngstown and Florida, so we wanted to pay for it.

The Republican Party opposed us paying for this by going after hedge fund managers period. You can read all the articles. Read all the analysis of what happened here.

So they sided, Madam Speaker, with hedge fund managers who are making billions of dollars a year.

Then we tried to repeal some of the issues dealing with the oil companies and making sure they're paying their fair share. The most profitable industry in the country is getting subsidized. And we're saying, no. We need to take some of that money and we need to invest this in alternative energy.

Again, in the Senate the Republicans stood strong to make sure that that did not happen. So in two instances, whether it was with hedge funds managers or with the oil companies, we were trying to make sure we brought some equity into the system and paid for making sure that our middle class doesn't get a tax increase.

Ms. WASSERMAN SCHULTZ. If you'd yield for a question.

Mr. RYAN of Ohio. I'll be happy to yield.

Ms. WASSERMAN SCHULTZ. So in the time that I have been involved in public service, which is over 15 years now, the mantra of our good friends on the other side of the aisle has always been that they are the party of less government, and that they are the party of fiscal responsibility. And in recent history, and in long-term history, my understanding is that it's this President that built up more foreign debt than all 42 previous Presidents combined, and this President that took us from a $3 billion surplus to a $5 billion deficit, in his first term,

Mr. ALTMIRE. Trillion.

Ms. WASSERMAN SCHULTZ. Excuse me. Trillion. Forgive me. Trillion dollars. And so who, the question that I have for you is, so which party is the party of fiscal responsibility? Which party can be trusted to make sure that we have a vibrant economy, that we create jobs, that we don't operate in a deficit situation and that we have PAYGO rules that ensure that we don't spend more money than we take in? Which one would that be?

Mr. RYAN of Ohio. That would be the Democratic party.

Ms. WASSERMAN SCHULTZ. Okay. I wasn't quite certain because if you listen to the rhetoric on the other side of the aisle, they talk a good game. But when it comes to action, backing up the words with action, just like when the President stood in that rostrum a couple of years ago and laid out the notion that we should end America's addiction to foreign oil, but then promptly pushed an energy bill through the then Republican Congress that gave away those $14 billion in subsidies to the oil industry that we're now trying to repeal. That was just unbelievable. And I can't use certain words that I think should be applicable to that situation because it violates the House rules, so I won't. But I think we all know what the definition of saying something and doing another actually is.

Mr. RYAN of Ohio. And this is all about, you know, borrowing of the money. And as the gentlelady from Florida said, I think everyone at some point has mentioned it here tonight, $3 trillion in the last 6 years borrowed from foreign interests, raised the debt limit five times, borrowing from China and Japan. And my nephew, little Nicky Ryan, who's, you know, 2 years old is saying to us, what are you doing? Uncle Timmy, what are you doing?

We're passing it down, passing it on. Someone's got to pay this bill. And it's your kids and your kids and Kendrick's kids who have to do it.

I yield to my friend.

Mr. ALTMIRE. If I could tie this all together, what we're talking about with pay-as-you-go, and the gentlewoman talks about the energy bill. And the gentleman from Ohio talked about the College Cost Reduction Act dealing with student loans. Let's tie this together. What does it mean to pay as you go, to pay for what you're doing? Well, with the College Cost Reduction Act we did things that are going to substantially improve the lives of middle-class Americans all across this country. They're going to make a real difference for families in America. We cut in half the interest rates on student loans from 6.8 percent to 3.4 percent, which, by itself, if we did nothing else, would save the average student on student loans in this country over $4,400 over the lifetime of their loan. But we didn't just stop there. We increased Pell Grants, the staple of student support in this country, to $5,400, the largest increase in the history of that program. And we capped at 15 percent of discretionary income the amount that the borrower, after they graduate, would be required to be burdened with debt to repay their student loan. These are things that are going to make a big difference. But they cost money. It had a $20 billion price tag, which is a substantial amount of money. And unlike previous Congresses, instead of charging it to the credit card and saying, Nicky Ryan, you're going to have to pay for this in 30 or 40 years, for the rest of your life, this is something that you, as an individual, we're going to take the initiative as a Congress and we're going to pay for this up front. And what did we do? We went to the big banks and the lenders who've turned a hefty profit on the backs of students and parents in this country for years and have done quite well with these student loan programs and we've said it's time to pay your fair share. And we took the subsidies from the big banks and the lenders and redirected every penny of them into the student loan programs to help students and parents in this country.

Similarly, with the energy bill, we had the $14 billion subsidies that were going to the big oil and gas industry at a time when they were making all-time record profits. They're doing quite well. I don't think anybody can argue that the oil and gas industry is suffering right now. They're doing very well.

So we said, we're going to take away those subsidies at this time when you're making all-time record profits.

Mr. RYAN of Ohio. Also known as corporate welfare.

Mr. ALTMIRE. Thank you. And we're going to redirect that $14 billion into research and development of alternative fuels, alternative energy, which gets us off of the foreign oil which is what the President talked about doing. It lessens our dependence on foreign oil, and it helps the environment by having clean-burning fuels and renewable energy, all of those things that everybody talks about, and we paid for it; $14 billion directly paid for by those subsidies.

Now, in the other body, unfortunately, we fell one vote short. They had 59 votes. That's much more than a majority, but the rules are a little bit different in the other body, and they need 60 votes now to move on legislation, which is a subject for another day, the fact that that rule is there.

But the point is, that's what it means to pay as you go. We're doing very good things. When they cost money, unlike previous Congresses, we're paying for it up front in a budget neutral way.

So I will yield back to the gentlewoman from Florida. And I think the gentleman from Florida, who controls the time, is looking to wrap up here shortly. Is that correct?

Mr. MEEK of Florida. I know we have time, but I made a commitment to the people that are nice to us here in the Chamber that they will be getting to be reunited with their families pretty soon. So I guess we can kind of make our closing comments, or what have you. We said 35 minutes. We have until, maybe until at least 35 after, so don't feel rushed.

Ms. WASSERMAN SCHULTZ. In my wrap-up remarks, first of all, I want to thank each of you that are parts of the 30-Something Working Group, and Mr. MURPHY, who headed home to his family this evening, for continuing to hang in here and coming out. We certainly could have disbanded the 30-Something Working Group, Mr. RYAN. We could have said, you know, our work here is done. We won the majority and now we can just, you know, go make good policy and go home. But it's clear that our work is far from done. We have a lot left to do on the agenda. We have to make sure that we deal with expanding access to health care, that we continue to push for the remaining provisions of the energy bill that we were not able to get included. We have to make sure that we focus on bringing our troops home. And people need to understand that we're not, we're going to be relentless in continuing to try to make sure we do that.

People should understand that the vote tonight did not pass with, the vote on the funding for the war in Iraq did not pass with a majority of Democratic votes. It passed with a majority of the Republican votes. This is this President's war and this is the Republicans' war, and it will continue to be their war. They are the ones that are leaving our troops twisting in the wind with their families being separated from them with repeated, over-the-top tours of duty, three and four times over there, having more than a year, less than a year between tours of duty.

We've got to make sure that we think about our troops and focus on the fact that it is clear now, even with the reduction in violence, Mr. RYAN, that the Iraqi leadership has made no progress. And they've made no progress because they don't need to because they know right now with the message that this President is sending that we're going to be there as long as they need us. There's no pressure, no incentive, and we need the American people to understand that we will continue to come out here; we will continue to talk about the priorities that they care about. And now that we're in the majority we're going to continue to press to adopt those priorities and shame the Republicans on the other side of the aisle every single day until we get dangerously close to this election and we put some fear in their hearts so that they don't continue to stick with this President who is completely wrong on the priorities that the American people care about.

Mr. RYAN of Ohio. I think what we've done, and I think what the Speaker has done and STENY HOYER and JIM CLYBURN and JOHN LARSON and our leadership team have done over the past year is, you know, we've heard for a decade about family values. And I think what has happened here is our legislation has embodied what families need, the minimum wage community health clinics, education funding. We, I think, have spoken through our actions here, and I think that's very important.

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In addition to that, when we talk about staying out here and continuing the message side of this, part of politics is to communicate with the American people. But what's important is anyone who's watching this debate, we're telling you our side, they are saying their side, and there are the facts, and the American people get to listen.

We wanted to make sure that the hedge fund managers were not hiding money in offshore accounts. That was something we ran on, and we tried to do it and continue, but we don't have a big enough majority now to handle some of these in the Senate and here.

We were the ones who wanted to pull the corporate subsidies. We were the ones who actually succeeded in the education and the health care and the energy and all these other issues, not nearly again as far as we wanted to go. But for us to come out here and continue to pitch our accomplishments, what we've done, what we're going to continue to do, the fact that we're not happy, there are still jobs leaving many communities across our country that need that growth, that investment in alternative energies, that's what we are trying to do, trying to accomplish.

We're not satisfied. So to the people back home listening to us, we're not satisfied. We're not done. We're going to continue the good fight.

And so I'd just like to say to everyone here, thank you. Happy holidays. Merry Christmas. Happy Hanukkah. Happy Kwanzaa.

Ms. WASSERMAN SCHULTZ. Happy New Year.

Mr. RYAN of Ohio. Happy New Year.

Mr. ALTMIRE. I just want to say very quickly, Mr. MURPHY's not here, our fifth partner here, but the three, the gentlewoman from Florida, the gentleman from Ohio, the other gentleman from Florida have done a magnificent job over the years of carrying the 30-Somethings and getting the message out at a time when it was very difficult to do so.

And now, luckily, times have changed, and now the Democrats are in the majority, and it's a little bit easier to control the agenda and talk about issues and move forward.

I just want to say what an honor it is for me to have been a part of the 30-Something Working Group, and I know Mr. MURPHY would say the same, that we were very familiar with the group and had seen you in action for many years, but as we are now the last group to speak on the last day of the first session of the 110th Congress, I didn't want to let the moment go by and say it's great for me.

And I love especially the geographic diversity that we have where Ms. WASSERMAN SCHULTZ and Mr. MEEK have their districts next to each other in south Florida and Mr. RYAN and myself have our districts next to each other on the Ohio-Pennsylvania border. So we have fun with that from time to time for sports analogies and weather and so forth, but it really is an honor for me to be here, the same media market.

Mr. RYAN of Ohio. I have about five funny jokes that are in my head right now that I want to say, but I'm going to pass on all five.

Mr. ALTMIRE. I've heard all five.

Mr. RYAN of Ohio. I think on behalf of us, I think we're very lucky. We had a great freshman class that has had a tremendous impact.

Mr. ALTMIRE, I know, has passed a couple of pieces of legislation through the Small Business Committee that has really, I think, redefined what government investment and what the Small Business Administration needs to do, angel investor funds, venture capital funds, to invest in these new start-up communities. So communities like ours who are trying to convert from manufacturing, advanced manufacturing, from manufacturing in auto and steel and rubber to some kind of high-tech business, we now have an SBA bill that would allow those young companies to get venture capital money that would match. I mean, just a lot of innovative things.

I don't want to get into the details, but we want to say thank you because you guys have all been great: ZACK SPACE, JASON ALTMIRE, CHRIS MURPHY, PATRICK MURPHY, ARCURI, the sheriff. We have a lot of great people. And YVETTE CLARKE from Brooklyn, New York, has been phenomenal. We've got a great class. So, thank you, thank you.

Ms. WASSERMAN SCHULTZ. Before you close out, I don't know if you guys did this last night, but we do need to congratulate in absentia Mr. MURPHY on his marriage, because he got married a couple of months ago and, you know, he is going to look forward to spending some quality time with his new bride, and so we wish him and his new wife very well.

Mr. MEEK of Florida. Well, we gave a lot of shout-outs to folks last night on how much we appreciate all of the staff and everyone that has made the 30-Something Working Group possible: our good friends from the Clerk's office who have been watching us for the last 5 years, also Mr. Michael here. I don't want to give out last names because Mr. Tom, you know, and others that help us.

Ms. WASSERMAN SCHULTZ. They get spammed.

Mr. MEEK of Florida. Yes, all kind of stuff. These guys are rock stars.

But I just want to say in closing that what we do here is very serious work, but we do bring kind of a human element to it. I'm glad that we do, because Americans understand what we are talking about. Members understand what we're talking about. And Madam Speaker, I mean, it's really a high honor for me to yield back this time, but I would also like for your freshman class brother, Mr. ALTMIRE, to close our first session officially.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

August 1, 2007:

H.J. Res. 44. An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

August 3, 2007:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

August 3, 2007:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

August 6, 2007:

H.R. 3311. An act to authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

August 8, 2007:

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

August 9, 2007:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the ''Claude Ramsey Post Office''.

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the ''S/Sgt Lewis G. Watkins Post Office Building''.

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the ''Buck Owens Post Office''.

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the ''Staff Sergeant Marvin 'Rex' Young Post Office Building''.

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the ''Rachel Carson Post Office Building''.

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the ''Harriett F. Woods Post Office Building''.

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the ''Leonard W. Herman Post Office''.

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the ''Willye B. White Post Office Building''.

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the ''George B. Lewis Post Office Building''.

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the ''Staff Sergeant Omer 'O.T.' Hawkins Post Office''.

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the ''Clem Rogers McSpadden Post Office Building''.

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the ''Frank G. Lumpkin, Jr. Post Office Building''.

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the ''Major Scott Nisely Post Office''.

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the ''Dr. Karl E. Carson Post Office Building''.

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the ''Dolph Briscoe, Jr. Post Office Building''.

August 9, 2007:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

August 13, 2007:

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

September 20, 2007:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in

commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

September 27, 2007:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

September 27, 2007:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

September 28, 2007:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the ''Percy Sutton Post Office Building''.

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as ''Cal Ripken Way''.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

September 29, 2007:

H.J. Res. 43. An act increasing the statutory limit on the public debt.

H.J. Res. 52. An act making continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

September 30, 2007:

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

October 24, 2007:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building''.

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building''.

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building''.

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the ''Master Sergeant Sean Michael Thomas Post Office''.

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station''.

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building''.

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building''.

H.R. 3106. An act 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''.

October 25, 2007:

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.

October 26, 2007:

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building''.

October 31, 2007:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

November 5, 2007:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

November 8, 2007:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

November 9, 2007:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

November 13, 2007:

H.R. 2779. An act to recognize the Navy UDT–SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

November 15, 2007:

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the ''Charles George Department of Veterans Affairs Medical Center''.

November 16, 2007:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''.

November 30, 2007:

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office''.

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the ''Corporal Christopher E. Esckelson Post Office Building''.

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the ''Nate DeTample Post Office Building''.

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the ''Dennis P. Collins Post Office Building''.

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the ''Lance Corporal David K. Fribley Post Office''.

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the ''Corporal Stephen R. Bixler Post Office''.

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office''.

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the ''Michael W. Schragg Post Office Building''.

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the ''Charles H. Hendrix Post Office Building''.

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the ''Chief Warrant Officer Aaron Weaver Post Office Building''.

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the ''Wallace S. Hartsfield Post Office Building''.

December 6, 2007:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

December 12, 2007:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

December 13, 2007:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

December 14, 2007:

H.J. Res. 69. An act making further continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

July 31, 2007:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

August 5, 2007:

S. 1927. An act to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

August 9, 2007:

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello

International Park Commission eligible to obtain Federal health insurance.

August 13, 2007:

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

September 14, 2007:

S. 1. An act to provide greater transparency in the legislative process.

September 20, 2007:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

October 9, 2007:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees, and for other purposes.

October 16, 2007:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

October 31, 2007:

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

November 8, 2007:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

November 16, 2007:

S.J. Res. 7. An act providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

November 19, 2007:

S. 2206. An act to provide technical corrections to Public Law 109–116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of personal health.

Mr. MCNULTY (at the request of Mr. HOYER) for today on account of his daughter's nursing school graduation.

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. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. CARDOZA, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

SENATE BILLS REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue; to the Committee on Ways and Means.

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Tuesday, December 18, 2007:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharge of indebtedness on principal residences from gross income, and for other purposes.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Wednesday, December 19, 2007:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Ernest Childers Department of Veterans Affairs Outpatient Clinic''.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on Wednesday, December 19, 2007:

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. HOYER, announced his signature on Wednesday, December 19, 2007, to enrolled bills of the Senate of the following titles:

S. 2271. To authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. To promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

SINE DIE ADJOURNMENT

Mr. ALTMIRE. Madam Speaker, pursuant to Senate Concurrent Resolution 61, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with Senate Concurrent Resolution 61, 110th Congress, the Chair declares the House first session of the 110th Congress adjourned sine die.

Thereupon (at 7 o'clock and 36 minutes p.m.), pursuant to Senate Concurrent Resolution 61, the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third and fourth quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ELIZABETH GREER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Greer	10/5	10/7	Qatar		220.00				238.00		458.00
	10/7	10/8	Jordan		137.00				142.00		279.00
	10/8	10/9	Germany		174.00				49.00		223.00
Committee total					531.00				429.00		960.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELIZABETH GREER, Dec. 5, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. KAY KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 3 AND NOV. 5, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. Kay King	11/3	11/5	Italy		2,425.00	(3)					2,425.00
Committee total					2,425.00						2,425.00

KAY A. KING, Dec. 5, 2007.

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, pleaase check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles B. Rangel	7/1	7/4	Barbados		852.00		1,814.70				2,666.70
	8/5	8/6	Peru		576.00		2,809.70				3,385.70
Hon. Sander M. Levin	8/5	8/6	Peru		576.00		2,816.70				3,392.70
Hon. Allyson Y. Schwartz	8/5	8/7	Peru		576.00		7,251.70				7,827.77
Hon. Gregory W. Meeks	8/6	8/7	Peru		576.00		4,293.95				4,869.95
Timothy Reif	8/5	8/7	Peru		576.00		6,545.20				7,121.20
Vijaya Rangaswami	8/5	8/7	Peru		576.00		4,599.20				5,175.20
Matthew Beck	8/5	8/7	Peru		576.00		4,085.20				4,661.20
Annie Minguez	8/5	8/7	Peru		576.00		2,553.20				3,129.20
Committee total					5,460.00		36,769.55				42,229.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Crop Grouping Program; Technical Amendment [EPA-HQ-OPP-2007-0766 FRL-8345-4] (RIN: 2070-AJ28) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate-ammonium; Pesticide Tolerance [EPA-HQ-OPP-2007-0029; FRL-8342-3] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Data Requirements for Conventional Chemicals [EPA-HQ-OPP-2004-0387; FRL-8106-5] (RIN: 2070-AC12) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4736. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(a); to the Committee on Armed Services.

4737. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Representations and Certifications in the Online Representations and Certifications Application (DFARS Case 2006-D032) (RIN: 0750-AF55) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4738. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Functions Exempt from Private Sector Performance (DFARS Case 2007-D019) (RIN: 0750-AF87) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4739. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplment; Information Assurance Contractor Training and Certification (DFARS Case 2006-D023) (RIN: 0750-AF52) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4740. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Receiving

Reports for Shipments (DFARS Case 2006-D024) (RIN: 0750-AF53) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4741. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062) (RIN: 0750-AF57) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4742. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ship Critical Safety Items (DFARS Case 2007-D016) (RIN: 0750-AF86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4743. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4744. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7999] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4745. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report [Docket No. FR-5070-F-02] (RIN: 2502-AI43) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4746. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2007-0021] (RIN: 1557-AD05) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4747. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. R-1303] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4748. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — SMALLER REPORTING COMPANY REGULATORY RELIEF AND SIMPLIFICATION [RELEASE NOS. 33-8876; 34-56994; 39-2451; FILE NO. S7-15-07] (RIN: 3235-AJ86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4749. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO THE ELIGIBILITY REQUIREMENTS FOR PRIMARY SECURITIES OFFERINGS ON FORMS S-3 AND F-3 [RELEASE NO. 33-8878; FILE NO. S7-10-07] (RIN: 3235-AJ89) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4750. A letter from the Secretary, Department of Energy, transmitting a report containing the status of the programs and the progress toward meeting the goal in providing sufficient electricity to the Navajo Nation, pursuant to Public Law 106-511, section 602 (d); to the Committee on Energy and Commerce.

4751. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Tribal Power Allocation Study, pursuant to Public Law 109-58, section 503(a); to the Committee on Energy and Commerce.

4752. A letter from the Acting Assistant Secretary for Communications and Information, Department of Transportation, transmitting the Department's report on the activities to improve coordination and communication with respect to the implementation of E-911 services, pursuant to Public Law 108-494, section 104; to the Committee on Energy and Commerce.

4753. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping [EPA-HQ-OAR-2001-0004; FRL-8508-4] (RIN: 2060-AN88) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4754. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [EPA-HQ-OAR-2005-0526; FRL-8508-6] (RIN: 2060-AN21) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4755. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [EPA-HQ-OAR-2006-0359; FRL-8509-6] (RIN: 2060-AM36) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4756. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [EPA-HQ-OAR-2004-0083; FRL-8509-5] (RIN: 2060-AM71) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4757. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing [EPA-HQ-OAR-2006-0424; EPA-HQ-OAR-2006-0360; EPA-HQ-OAR-2006-0940; FRL-8508-5] (RIN: 2060-AM12) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4758. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; South Dakota; Revisions to New Source Review Rules [EPA-R08-OAR-2006-0928; FRL-8509-4] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4759. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2007-1079; FRL-8509-2] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4760. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's ''Major'' final rule — Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent (RIN: 3150-AH40) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4761. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-30 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4762. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-15 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Switzerland for defense articles and services; to the Committee on Foreign Affairs.

4763. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-20 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4764. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 00-33 of 9 June 2000 (Transmittal No. 0A-08); to the Committee on Foreign Affairs.

4765. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-01 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

4766. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-27 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4767. A letter from the Assistant Secretary for Legislative Affairs, Deparmtent of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, re-certification of a proposed Agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 089-07); to the Committee on Foreign Affairs.

4768. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28; to the Committee on Foreign Affairs.

4769. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on cross-border interoperability with Canada regarding the process for considering applications by Canada for frequencies and channels

by the United States communities along the border between the United States and Canada; to the Committee on Foreign Affairs.

4770. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15, 2007 — December 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of technical data, defense articles and defense services to the Government of Brazil (Transmittal No. DDTC 090-07); to the Committee on Foreign Affairs.

4772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of France, Germany, Gibraltar, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom (Transmittal No. DDTC 085-07); to the Committee on Foreign Affairs.

4773. A letter from the Assistant Secretary foe Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Slovak Republic (Transmittal No. DDTC 106-07); to the Committee on Foreign Affairs.

4774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 101-07); to the Committee on Foreign Affairs.

4775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense articles and services to the Government of Italy (Transmittal No. DDTC 033-07); to the Committee on Foreign Affairs.

4776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 113-07); to the Committee on Foreign Affairs.

4777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles to the Government of South Korea (Transmittal No. DDTC 092-07); to the Committee on Foreign Affairs.

4778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Israel (Transmittal No. DDTC 045-07); to the Committee on Foreign Affairs.

4779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Governments of the Philippines and South Korea (Transmittal No. DDTC 063-07); to the Committee on Foreign Affairs.

4780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-05-07); to the Committee on Foreign Affairs.

4781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Jordan (Transmittal No. RSAT-08-07); to the Committee on Foreign Affairs.

4782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Canada (Transmittal No. DDTC 078-07); to the Committee on Foreign Affairs.

4783. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-217, ''Rent Administrator Hearing Authority Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4784. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-218, ''Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-219, ''Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-220, ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4787. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-221, ''Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4788. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-222, ''Bicycle Commuter and Parking Expansion Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4789. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-223, ''Exploratory Committee Regulation Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4790. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-224, ''Child and Family Services Grant-making Temporary Amendment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4791. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-225, ''Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-226, ''Student Access to Treatment Act of 2007,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4793. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4794. A letter from the President, Federal Financing Bank, transmitting the Bank's performance plan for fiscal years 2007-2008 and program performance report for fiscal year 2006, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4795. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

4796. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4797. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4798. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees (RIN: 3206-AL31) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4799. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Revised Designation for the Cape Sable Seaside Sparrow (RIN: 1018-AV79) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4800. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2008 (RIN: 0648-XD25) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4801. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD53) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4802. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD32) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4803. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Rescission of Commercial Closure for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XC92) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4804. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Opening of the Eastern U.S./Canada Area and Trip Limit Change [Docket No. 040112010-4114-02] (RIN: 0648-XD40) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4805. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska' Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD36) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4806. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD21) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4807. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD07) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4808. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070322067-7501-01; I.D. 031407A] (RIN: 0648-AU03) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4809. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02] (RIN: 0648-XC59) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4810. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors [Docket No. 070404078-0778-01] (RIN: 0648-XB00) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4811. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC02) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4812. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — RAIL FUEL SURCHARGES [STB Ex Parte No. 661 (Sub-No. 1)] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD33) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4814. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, ''Veterans' Authorities Expansion Act of 2007''; to the Committee on Veterans' Affairs.

4815. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

4816. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities (2003R-268P) [T.D. TTB-63; Re: T.D. TTB-26] (RIN: 1513-AA99) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4817. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Small Domestic Producer Wine Tax Credit-Implementation of Public Law 104-188, Section 1702, Amendments Related to the Revenue Reconcilliation Act of 1990 (96R-028T) [T.D. TTB-64; Re: T.D. ATF-390 and ATF Notice No. 852] (RIN: 1513-AA05) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4818. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Q&A-23 of Notice 2007-7 [Notice 2007-99] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4819. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information [Announcement 2007-114] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4820. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates [4830-01] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4821. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also, Part I, 403; 1.403(b)-3.) (Rev. Proc. 2007-71) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4822. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2007 Cumulative List of Changes in Plan Qualification Requirements [Notice 2007-94] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4823. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Mining Industry Overview Guide — received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of tax liability (Rev. Proc. 2007-58) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance Issues in the Healthcare Industry [LMSB Control No.: LMSB-04-0807-056] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4826. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—-Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-66) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4827. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule

— Weighted Average Interest Rates Update [Notice 2007-75] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4828. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Clarification of Section 6411 Regulations [TD 9355] (RIN: 1545-BF66) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4829. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Relative for Purposes of Section 152(d)(1) [Notice 2008-5] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4830. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transition Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with 409A(a) in Operation [Notice 2007-100] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4831. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements [Notice 2008-2] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4832. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2007-101] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4833. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part I, Section 832, 846; 1.832-4, 1.846-1.) (Rev. Proc. 2008-11) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4834. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, Section 846; 1.846-1.) (Rev. Proc. 2008-10) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 860D, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2007-72) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 988.—Treatment of Certain Foreign Currency Transactions. 26 CFR 1.988-1: Certain definitions and special rules. (Also 1.988-2) (Rev. Rul. 2008-1) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4837. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Medicare Advantage and Part D Prescription Drug Contract Determinations, Appeals, and Intermediate Sanctions Processes [CMS-4124-FC] (RIN: 0938-AO78) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4838. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Optional State Plan Case Management Services [CMS-2237-IFC] (RIN: 0938-AO50) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4839. A letter from the Secretary, Department of Commerce, transmitting a copy of a draft bill, ''to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone''; jointly to the Committees on Natural Resources, the Judiciary, Ways and Means, and Foreign Affairs.

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. McGOVERN: Committee on Rules. House Resolution 893. Resolution providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110–498). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 894. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 110–499). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 4137. A bill to amend and extend the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 110–500, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; with an amendment (Rept. 110–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; with an amendment (Rept. 110–502). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes (Rept. 110–503 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs (Rept. 110–504 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3058. A bill to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; with an amendment (Rept. 110–505 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3111. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes (Rept. 110–506 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on the Judiciary, Science and Technology and Financial Services discharged from further consideration. H.R. 4137 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 29. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than January 15, 2008.

H.R. 3058. Referral to the Committee on Agriculture extended for a period ending not later than January 15, 2008.

H.R. 3111. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself and Mr. FEENEY):

H.R. 4837. A bill to authorize the Space Shuttle to be flown from 2010 through 2015, and to authorize appropriations for the National Aeronautics and Space Administration for this purpose; to the Committee on Science and Technology.

By Ms. BALDWIN (for herself, Mr. SHAYS, Mr. WAXMAN, Mr. TOM DAVIS of Virginia, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. McDERMOTT, Mr. TOWNS, Ms. HARMAN, Mrs. TAUSCHER, Mr. ELLISON, Mr. ENGEL, Mr. MORAN of Virginia, Mr. KUCINICH, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. HARE, Mr. CUMMINGS, Ms. VELÁZQUEZ, Mr. NADLER, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. DELAHUNT, Ms. BERKLEY, Ms. DELAURO, Mr. MARKEY, Ms. LEE, Mr. LANGEVIN, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. SERRANO, Ms. NORTON, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. MOORE of Wisconsin, Mr. WYNN, Mr. WU, Ms. WASSERMAN SCHULTZ, and Mr. SHERMAN):

H.R. 4838. A bill to provide benefits to domestic partners of Federal employees; to the

Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 4839. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means. considered and passed.

By Mr. KIND (for himself, Mr. RAMSTAD, Mrs. JONES of Ohio, Mr. ENGLISH of Pennsylvania, Ms. SCHWARTZ, Mr. SAM JOHNSON of Texas, and Mr. KAGEN):

H.R. 4840. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. LEWIS of California):

H.R. 4841. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. GALLEGLY, Mr. CHABOT, Mr. FORBES, Mr. FRANKS of Arizona, Mr. GOHMERT, and Mr. JORDAN):

H.R. 4842. A bill to provide for only prospective effect of certain amendments to the Federal Sentencing Guidelines relating to cocaine base sentencing; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 4843. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4844. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline technical), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) and application adjuvants; to the Committee on Ways and Means.

By Ms. FALLIN (for herself, Mrs. BLACKBURN, Mr. POE, Mrs. BACHMANN, Mr. WALBERG, Mr. REYNOLDS, Mr. CARTER, Mr. BURGESS, Mr. FRANKS of Arizona, Ms. FOXX, Mr. PRICE of Georgia, and Mr. COLE of Oklahoma):

H.R. 4845. A bill to amend the Internal Revenue Code of 1986 to exclude overtime pay from gross income; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 4846. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide grants for infrastructure improvements to fire first responders; to the Committee on Science and Technology.

By Mr. MITCHELL (for himself and Mr. GINGREY):

H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. PALLONE (for himself and Mr. STARK):

H.R. 4848. A bill to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 4849. A bill to prohibit discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, sexual orientation, or disability status; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEK of Florida):

H.R. 4850. A bill to amend the Consumer Product Safety Act to increase the civil penalties for certain violations relating to children's products containing lead; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 4851. A bill to improve the enforcement of Davis-Bacon Act; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. LINCOLN DAVIS of Tennessee, Mr. HERGER, Mr. SHULER, Mr. KINGSTON, Mr. BOREN, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. FORTENBERRY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. PITTS, Mr. MARCHANT, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. JORDAN, Mr. RYAN of Wisconsin, Mr. AKIN, Mr. MANZULLO, Mrs. BLACKBURN, Mr. WITTMAN of Virginia, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 4852. A bill to amend part A of title IV of the Social Security Act to allow funds provided under the program of block grants to States for temporary assistance for needy families to be used for alternative-to-abortion services; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. MCCRERY, Mrs. BLACKBURN, Mr. CANNON, Mr. BOUSTANY, Mr. ALEXANDER, Mr. MELANCON, Mr. JEFFERSON, and Mr. JINDAL):

H.R. 4853. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. SENSENBRENNER):

H.R. 4854. A bill to amend the provisions of title 31, United States Code, relating to false claims to clarify and make technical amendments to those provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSWELL (for himself, Mr. KAGEN, and Mrs. GILLIBRAND):

H.R. 4855. A bill to require studies by the Secretary of Agriculture on the effects of food products from cloned animals entering the food supply; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 4856. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. BARRETT of South Carolina, Mr. CLAY, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. PASCRELL, Mr. SESSIONS, and Mr. TIAHRT):

H.R. 4857. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4858. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the shipment of prescription drugs between the States and the Virgin Islands; to the Committee on Energy and Commerce.

By Mr. CLAY:

H.R. 4859. A bill to extend the temporary suspension of duty on Direct Yellow 119; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4860. A bill to extend the temporary suspension of duty on 2-Amino-6-nitrophenol-4-sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4861. A bill to extend the temporary suspension of duty on 2-Amino-5-sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4862. A bill to extend the temporary suspension of duty on 2,4-Disulfobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4863. A bill to extend the temporary suspension of duty on 2-Methyl-5-nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4864. A bill to extend the temporary suspension of duty on N-Ethyl-N-(3-sulfobenzyl)aniline (benzenesulfonic acid, 3-[(ethylphenylamino)methyl]-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4865. A bill to extend the temporary suspension of duty on p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4866. A bill to extend the temporary suspension of duty on Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro- 3-oxo-2H-indol-2-ylidene)-1,2-dihydro-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4867. A bill to extend the temporary suspension of duty on 2,5-Bis[(1,3-dioxobutyl)amino]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4868. A bill to extend the temporary suspension of duty on Basic Yellow 40 chloride based; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4869. A bill to extend the temporary suspension of duty on 4-[(4-Aminophenyl)azo]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4870. A bill to suspend temporarily the duty on Basic Red 51; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4871. A bill to suspend temporarily the duty on 2-Aminotoluene-5-Sulfonic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4872. A bill to suspend temporarily the duty on 1-Amino-2,6-dimethylbenzene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4873. A bill to suspend temporarily the duty on p-Amino Benzoic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4874. A bill to suspend temporarily the duty on Solvent Violet 13; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4875. A bill to suspend temporarily the duty on Solvent Violet 11; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4876. A bill to suspend temporarily the duty on Disperse Blue 359; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4877. A bill to suspend temporarily the duty on 2-Amino-3-Cyano Thiophene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4878. A bill to suspend temporarily the duty on Disperse Yellow 241; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself and Mr. TOWNS):

H.R. 4879. A bill to amend title XVIII of the Social Security Act to include screening computed tomography colonography as a colorectal screening test for purposes of coverage under the Medicare Program, and for other purposes; 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. DAVIS of Illinois:

H.R. 4880. A bill to amend the McKinney-Vento Homeless Assistance Act to provide for the implementation of protection and services for children and youths in out of home care, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 4881. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself and Ms. BALDWIN):

H.R. 4882. A bill to ensure broadcast station licenses are utilized to serve the public interest; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 4883. A bill to amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicemember during the one-year period following the servicemember's period of military service; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4884. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4885. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4886. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4887. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4888. A bill to allow the Department of Homeland Security to grant a waiver or exception from certain airspace restrictions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, 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. FILNER:

H.R. 4889. A bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 4890. A bill to modify the EB-5 regional center program; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 4891. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4892. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 4893. A bill to penalize States that prohibit oil and gas exploration within their borders by denying them the use of any oil or natural gas produced domestically elsewhere; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4894. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4895. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space in the District of Columbia for the United States Government until January 1, 2009; to the Committee on Transportation and Infrastructure.

By Mr. GOHMERT:

H.R. 4896. A bill to amend title II of the Social Security Act to provide that a duty of the Board of Trustees of the Social Security Trust funds is to hold them in trust for the beneficiaries and to ensure that the assets of such trust funds are not diverted, and to authorize investment of such trust funds in securities that are not limited to obligations of the United States or obligations guaranteed as to principal and interest by the United States; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. DELAURO, Mrs. JONES of Ohio, Mr. KENNEDY, Mr. KLEIN of Florida, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. RAMSTAD, and Mr. WYNN):

H.R. 4897. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; 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. HOYER (for himself and Mr. BLUNT):

H.R. 4898. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself and Mrs. BONO):

H.R. 4899. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. SPACE):

H.R. 4900. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary, 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. KING of New York (for himself, Mr. LATOURETTE, Mr. GRIJALVA, Mr. TURNER, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY of New York, Mr. GARRETT of New Jersey, Mr. BAIRD, Mr. FOSSELLA, Mrs. MCCARTHY of New York, Mr. FERGUSON, Mr. ACKERMAN, Mr. ISSA, Mr. UDALL of New Mexico, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. STUPAK, Mrs. BIGGERT, Mr. MCNULTY, Mr. LOBIONDO, Mr. PAYNE, Mr. BAKER, Mr. CASTLE, Mr. PASTOR, Mrs. CAPITO, Mr. KILDEE, Mr. SESSIONS, Mr. BLUMENAUER, Mr. HOLT, Mr. ALLEN, Mrs. LOWEY, Mr. RADANOVICH, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. KUCINICH, Mr. SHAYS, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. GARY G. MILLER of California, Mr. GENE GREEN of Texas, Mr. PLATTS, Mr. DOYLE, Mr. WOLF, Mr. CLAY, and Mr. RUPPERSBERGER):

H.R. 4901. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON:

H.R. 4902. A bill to suspend temporarily the duty on Dimyristyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4903. A bill to suspend temporarily the duty on Bis(4-t-butylcyclohexyl) Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4904. A bill to extend the temporary suspension of duty on 3,3',4,4'-Biphenyltetracarboxylic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4905. A bill to extend the temporary suspension of duty on 4,4'-Oxydianiline; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4906. A bill to extend the temporary suspension of duty on Pyromellitic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4907. A bill to suspend temporarily the duty on Dicetyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4908. A bill to suspend temporarily the duty on Lauroyl Peroxide; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4909. A bill to suspend temporarily the duty on Didecanoyl Peroxide; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. BERMAN, Mr. DELAHUNT, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. GOHMERT):

H.R. 4910. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, 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. LYNCH:

H.R. 4911. A bill to amend the Controlled Substances Act to add human growth hormone to schedule III; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 4912. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of prepaid derivative contracts; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 4913. A bill to prohibit the limitation of certain air traffic in the New York and New Jersey region; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Ms. WATSON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. MILLER of North Carolina):

H.R. 4914. A bill to amend the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 to provide for the integration of food security and nutrition activities into prevention, care, treatment, and support activities; to the Committee on Foreign Affairs.

By Ms. PRYCE of Ohio (for herself, Mr. HOBSON, and Mr. TIBERI):

H.R. 4915. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in urban areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 4916. A bill to create a National Endowment to advance private sector development of aeronautics and space technologies by way of the National Advanced Space and Aeronautical Technologies Prize Award Program; to the Committee on Science and Technology.

By Mr. ROHRABACHER:

H.R. 4917. A bill to formulate situation and decision analyses, and to select procedures and systems, for deflecting and mitigating potentially hazardous near-Earth objects; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN:

H.R. 4918. A bill to name the Department of Veterans Affairs medical center in Miami, Florida, as the ''Bruce W. Carter Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Ms. LORETTA SANCHEZ of California (for herself and Mrs. TAUSCHER):

H.R. 4919. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize temporary mortgage and rental payments, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 4920. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4921. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4922. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, 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. SPRATT:

H.R. 4923. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4924. A bill to extend the temporary suspension of duty on Crotonic Acid; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4925. A bill to extend the temporary suspension of duty on Fluorobenzene; to the Committee on Ways and Means.

By Ms. SUTTON (for herself, Ms. BORDALLO, Mrs. CAPPS, Mr. YARMUTH, Mr. ARCURI, Mr. WALZ of Minnesota, Mr. KUHL of New York, Mr. HASTINGS of Florida, Ms. MATSUI, Ms. CASTOR, Ms. SLAUGHTER, Mr. WELCH of Vermont, Mr. PICKERING, Mr. SARBANES, Mr. WILSON of Ohio, Mr. RYAN of Ohio, Mr. MICHAUD, Mr. COHEN, Mr. KILDEE, and Mrs. JONES of Ohio):

H.R. 4926. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a grant program for automated external defibrillators in schools; to the Committee on Education and Labor.

By Mr. TANCREDO:

H.R. 4927. A bill to authorize and request the President to award the Medal of Honor to Danny P. Dietz, formerly of Littleton, Colorado, for acts of valor on June 28, 2005, while fighting against the Taliban in Konar Province, Afghanistan; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 4928. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Transportation and Infrastructure.

By Mr. WHITFIELD of Kentucky:

H.R. 4929. A bill to amend the Tariff Act of 1930 to clarify that the antidumping and countervailing duty laws apply to the production of low-enriched uranium, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. MILLER of Florida, Mr. HAYES, and Mr. LATHAM):

H.R. 4930. A bill to amend title 10, United States Code, to ensure that members of the reserve components of the Armed Forces who have served on active duty or performed active service since September 11, 2001, in support of a contingency operation or in other emergency situations receive credit for such service in determining eligibility for early receipt of non-regular service retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GOODE:

H.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives selects the President in the event no candidate receives a majority of electoral votes; to the Committee on the Judiciary.

By Mrs. BONO (for herself, Mr. HOYER, Mr. BERMAN, Ms. CLARKE, Mrs. BLACKBURN, Mr. COHEN, Mr. COOPER, Mr. COURTNEY, Mr. CANNON, Mr. CROWLEY, Mr. CALVERT, Mr. ENGEL, Mr. COBLE, Mr. HODES, Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Ms. LEE, Mr. FERGUSON, Mr. LOEBSACK, Mr. FEENEY, Mr. MCDERMOTT, Mr. GILCHREST, Mr. MEEK of Florida, Mr. HOBSON, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. MOLLOHAN, Mr. KELLER, Mr. OBEY, Mr. LEWIS of California, Mr. RUPPERSBERGER, Mr. MACK, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCARTHY of California, Mr. SCHIFF, Mr. MCCAUL of Texas, Mr. SERRANO, Mr. TIM MURPHY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. PUTNAM, Mr. WELCH of Vermont, Mr. RAMSTAD, Mr. WEXLER, Mr. ROSKAM, Mr. SAXTON, Mr. TERRY, Mr. BOEHNER, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. UPTON, Mrs. CUBIN, and Mr. PICKERING):

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on Oversight and Government Reform.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, and Mr. REYES):

H. Con. Res. 274. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Ms. PELOSI, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. POE, Mr. HOYER, and Ms. DELAURO):

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Barbara Charline Jordan; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS:

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress regarding Jordanian institutions; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FEENEY, Mr. CULBERSON, and Mr. BURGESS):

H. Con. Res. 277. Concurrent resolution rejecting and condemning the Equal Employment Opportunity Commission's position that English-only employment rules violate title VII of the Civil Rights Act of 1964 as unjustified and unsupported by law, and for other purposes; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008; to the Committee on Foreign Affairs.

By Mr. CAPUANO:

H. Res. 895. A resolution establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H. Res. 896. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, and Mr. BOOZMAN):

H. Res. 897. A resolution recognizing the strategic importance of the African continent and welcoming the establishment of AFRICOM, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Mr. OBERSTAR):

H. Res. 898. A resolution recognizing the State of Minnesota's 150th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CLAY (for himself, Mr. UDALL of Colorado, and Mr. GRIJALVA):

H. Res. 899. A resolution recommending that the Langston Golf Course located in northeast Washington, D.C., and owned by the U.S. National Park Service, be recognized for its important legacy and contributions to African American golf history, and for other purposes; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mrs. BONO, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. JONES of North Carolina, Mr. LEWIS of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. AL GREEN of Texas, and Mr. HOYER):

H. Res. 900. A resolution expressing support for designation of April as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable long-standing contributions to American culture; to the Committee on Oversight and Government Reform.

By Mr. CRENSHAW (for himself, Mr. STEARNS, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. FEENEY, Mr. MACK, Ms. CASTOR, Mr. PUTNAM, Mr. WELDON of Florida, Mr. BUCHANAN, Mr. MICA, Mr. KELLER, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 901. A resolution congratulating University of Florida Quarterback Timothy ''Tim'' Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

By Mrs. GILLIBRAND:

H. Res. 902. A resolution to commemorate the 230th Anniversary of the Battles of Saratoga and the significance this event played in winning American independence and spreading the ideals of freedom and democracy throughout the world; to the Committee on Natural Resources.

By Mr. HULSHOF:

H. Res. 903. A resolution honoring the national contributions of the Missouri School of Journalism in Columbia, Missouri, on its 100th Anniversary; to the Committee on Education and Labor.

By Mr. ISRAEL:

H. Res. 904. A resolution commending the Northport American Legion Post 694 located in Northport, New York, for raising funds for the Marine and Army combat units fighting in the Middle East, enabling them to purchase needed equipment; to the Committee on Armed Services.

By Mr. KINGSTON (for himself and Mr. BISHOP of Georgia):

H. Res. 905. A resolution commending the Valdosta State University Blazers on winning the NCAA Division II National Championship; to the Committee on Education and Labor.

By Mr. LAMBORN (for himself, Mr. EVERETT, Ms. HARMAN, Mrs. TAUSCHER, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. UDALL of Colorado):

H. Res. 906. A resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 907. A resolution congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles; to the Committee on Science and Technology.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. KELLER, Mrs. DAVIS of California, and Mr. ROGERS of Michigan):

H. Res. 908. A resolution supporting the goals and ideals of National Mentoring Month; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H. Res. 909. A resolution commemorating the courage of the Haitian soldiers that fought for American independence in the ''Siege of Savannah'' and for Haiti's independence and renunciation of slavery; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 910. A resolution calling for the full implementation of the Sudan Comprehensive Peace Agreement; to the Committee on Foreign Affairs.

By Mr. SMITH of Washington (for himself and Mr. SKELTON):

H. Res. 911. A resolution expressing the sense of the House that the United States should increase United States forces in Afghanistan and responsibly redeploy forces from Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

223. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 176 memorializing the Congress of the United States to Repeal Title II of the REAL ID Act of 2005 and to support a return to a negotiated rulemaking process with the states; jointly to the Committees on the Judiciary and Oversight and Government Reform.

224. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 207 memorializing the Congress of the United States to enact federal legislation designed to prevent elder abuse; jointly to the Committees on Ways and Means, the Judiciary, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 368: Mr. ENGLISH of Pennsylvania.
H.R. 471: Mr. MOLLOHAN.
H.R. 503: Mr. ROSKAM.
H.R. 549: Mr. UDALL of Colorado.
H.R. 583: Mr. GILCHREST.
H.R. 662: Mr. CONYERS.
H.R. 743: Mr. SMITH of New Jersey and Mr. ALLEN.
H.R. 748: Mr. GILCHREST, Mr. BILIRAKIS, Mr. INSLEE, and Ms. ROYBAL-ALLARD.
H.R. 854: Mr. WEINER.
H.R. 891: Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, Mr. MITCHELL, Ms. BALDWIN, Mr. SHULER, Mrs. BIGGERT, Ms. SLAUGHTER, Mr. SARBANES, Mr. CONYERS, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. WHITFIELD of Kentucky, Mr. PITTS, and Mr. FATTAH.
H.R. 971: Mrs. CAPITO.
H.R. 997: Mr. LATOURETTE, Mr. NEUGEBAUER, Mr. HULSHOF, Mr. ROGERS of Michigan, and Mr. TIBERI.
H.R. 1023: Mr. SALAZAR and Mr. PERLMUTTER.
H.R. 1073: Mr. MILLER of North Carolina.
H.R. 1078: Mr. DELAHUNT.
H.R. 1084: Mr. MCGOVERN and Mr. PRICE of North Carolina.
H.R. 1091: Mr. TOWNS.
H.R. 1108: Mr. FALEOMAVAEGA and Mr. PICKERING.
H.R. 1113: Mr. ALTMIRE and Mr. MILLER of North Carolina.
H.R. 1134: Mr. PICKERING.
H.R. 1222: Mr. NEAL of Massachusetts.
H.R. 1223: Mr. NEAL of Massachusetts.

H.R. 1232: Mr. VAN HOLLEN.
H.R. 1237: Ms. ZOE LOFGREN of California.
H.R. 1246: Mr. LARSEN of Washington.
H.R. 1283: Mr. MCNERNEY.
H.R. 1286: Mr. MURPHY of Connectlcut.
H.R. 1293: Mr. GILCHREST.
H.R. 1298: Mr. MCGOVERN.
H.R. 1343: Mr. WILSON of Ohio.
H.R. 1366: Mr. WITTMAN of Virginia.
H.R. 1479: Mr. BLUMENAUER and Mr. WOLF.
H.R. 1497: Mr. MARKEY.
H.R. 1537: Mr. PEARCE.
H.R. 1542: Ms. ROYBAL-ALLARD, Mr. AL GREEN of Texas, and Mr. OBERSTAR.
H.R. 1552: Mr. GILCHREST.
H.R. 1553: Mr. CLYBURN.
H.R. 1576: Mr. YARMUTH.
H.R. 1609: Mr. HALL of Texas, Mr. BURGESS, Ms. SOLIS, Ms. DEGETTE, Mr. TERRY, Mr. PITTS, Mr. CAMPBELL of California, and Mr. LIPINSKI.
H.R. 1610: Mr. BISHOP of New York, Mr. WALSH of New York, Mr. WATT, Mr. FARR, Mr. FERGUSON, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. UPTON, and Ms. DEGETTE.
H.R. 1644: Mr. COSTELLO, Mr. ENGLISH of Pennsylvania, and Ms. LEE.
H.R. 1647: Mrs. CAPITO.
H.R. 1671: Mr. KLEIN of Florida and Mr. BERMAN.
H.R. 1707: Mr. CLEAVER.
H.R. 1738: Ms. SCHWARTZ, Mrs. CAPPS, and Mr. PEARCE.
H.R. 1740: Mr. KENNEDY.
H.R. 1742: Mr. COOPER, Mr. SESTAK, Mr. FATTAH, and Mr. COBLE.
H.R. 1755: Mr. PRICE of North Carolina.
H.R. 1818: Mr. WEINER.
H.R. 1843: Mr. CARNAHAN, Mr. PASCRELL, Mr. MARKEY, Mr. WAMP, Mr. ABERCROMBIE, Ms. HIRONO, Mr. BUTTERFIELD, and Ms. BEAN.
H.R. 1845: Mr. ARCURI.
H.R. 1849: Mr. FILNER.
H.R. 1884: Ms. GIFFORDS.
H.R. 1930: Mr. SESSIONS.
H.R. 1992: Mr. ENGEL, Mr. ISRAEL, Mr. MCNULTY, Mr. ANDREWS, Mr. WEINER, and Mr. PRICE of North Carolina.
H.R. 2017: Mr. WAXMAN.
H.R. 2040: Mr. WAMP, Mrs. MCMORRIS RODGERS, Mr. HAYES, Mr. GINGREY, Ms. FALLIN, Mrs. DRAKE, Mr. CROWLEY, Mr. PALLONE, Mr. CARNAHAN, Mr. BOOZMAN, Mr. ROSS, Mr. DREIER, Ms. SCHWARTZ, Mr. STARK, Mr. AKIN, Mr. DAVIS of Kentucky, Mr. COLE of Oklahoma, Mr. MCKEON, Mr. BURTON of Indiana, Mr. HULSHOF, Mr. DOGGETT, Mrs. LOWEY, Mr. INSLEE, and Mr. ALLEN.
H.R. 2054: Mr. KIND.
H.R. 2063: Mr. TIERNEY and Mr. ENGEL.
H.R. 2092: Mr. SHAYS.
H.R. 2103: Ms. WOOLSEY, Mr. PATRICK MURPHY of Pennsylvania, and Ms. ZOE LOFGREN of California.
H.R. 2109: Mr. BILIRAKIS.
H.R. 2116: Mr. LATHAM and Mr. CALVERT.
H.R. 2123: Mrs. NAPOLITANO and Ms. CASTOR.
H.R. 2210: Mr. NADLER.
H.R. 2265: Mr. VAN HOLLEN.
H.R. 2353: Mr. ARCURI.
H.R. 2370: Mr. MOORE of Kansas and Mr. MILLER of North Carolina.
H.R. 2449: Mr. JOHNSON of Georgia.
H.R. 2526: Mr. MORAN of Virginia.
H.R. 2550: Mr. SENSENBRENNER, Mr. CONAWAY, Mr. UPTON, and Mr. LIPINSKI.
H.R. 2564: Mr. SALI, Mr. MOLLOHAN, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. MCCOTTER, and Mr. MCCAUL of Texas.
H.R. 2567: Mr. RAHALL.
H.R. 2610: Mr. HONDA.
H.R. 2668: Mr. DEFAZIO and Mr. BLUMENAUER.
H.R. 2676: Mr. MCCOTTER.
H.R. 2744: Mr. ALEXANDER, Mr. JONES of North Carolina, Mr. WAXMAN, Ms. CLARKE, Mr. BUTTERFIELD, and Mr. MILLER of North Carolina.
H.R. 2762: Mr. HONDA, Mr. ACKERMAN, Mr. WHITFIELD of Kentucky, and Mr. PLATTS.
H.R. 2802: Ms. SCHWARTZ.
H.R. 2803: Mr. CUELLAR.
H.R. 2805: Mr. GOODE.
H.R. 2818: Mr. ROSKAM, Ms. GIFFORDS, Mr. GRIJALVA, Mr. MITCHELL, Mr. TIERNEY, Mr. PATRICK MURPHY of Pennsylvania, and Mrs. GILLIBRAND.
H.R. 2922: Mr. BRALEY of Iowa.
H.R. 2943: Mr. KLEIN of Florida and Mr. ARCURI.
H.R. 2965: Mr. STARK, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. WU, Mr. COURTNEY, Mr. FRANK of Massachusetts, Mr. KUCINICH, and Mr. DANIEL E. LUNGREN of California.
H.R. 2994: Mr. LATHAM, Mr. ALLEN, Mr. GILCHREST, and Mr. WYNN.
H.R. 3026: Mr. HONDA.
H.R. 3036: Mr. HINCHEY.
H.R. 3041: Mr. BRADY of Texas.
H.R. 3057: Mr. COHEN.
H.R. 3078: Ms. ZOE LOFGREN of California and Mr. GENE GREEN of Texas.
H.R. 3107: Mr. SOUDER.
H.R. 3119: Ms. BALDWIN.
H.R. 3132: Mr. CLAY and Mr. BAIRD.
H.R. 3140: Mr. SHUSTER, Mr. RUPPERSBERGER, Mr. KILDEE, Mr. BAIRD, and Mrs. CAPITO.
H.R. 3185: Mr. SIRES.
H.R. 3219: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3232: Mr. DAVIS of Kentucky, Mr. PEARCE, and Mr. WYNN.
H.R. 3286: Mr. MARSHALL.
H.R. 3298: Mr. JONES of North Carolina.
H.R. 3329: Mr. VAN HOLLEN.
H.R. 3334: Mr. FERGUSON.
H.R. 3363: Mr. GORDON, Mr. FILNER, Mr. EHLERS, and Mr. PAUL.
H.R. 3366: Mr. HINCHEY, Mr. ELLISON, Ms. BALDWIN, and Mr. COHEN.
H.R. 3368: Mrs. CAPPS and Mrs. GILLIBRAND.
H.R. 3380: Mrs. BIGGERT.
H.R. 3393: Mr. CONYERS.
H.R. 3430: Mr. VAN HOLLEN.
H R 3439: Mr. MORAN of Virginia.
H.R. 3440: Mr. MOLLOHAN.
H.R. 3450: Mr. MORAN of Virginia.
H.R. 3453: Mr. ALEXANDER.
H.R. 3457: Ms. ROYBAL-ALLARD.
H.R. 3533: Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, and Mr. KUCINICH.
H.R. 3544: Mr. MCCOTTER.
H.R. 3548: Mr. VAN HOLLEN.
H.R. 3609: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Ms. ROYBAL-ALLARD.
H.R. 3622: Ms. FOXX, Mr. CRAMER, Mr. MATHESON, and Ms. CORRINE BROWN of Florida.
H.R. 3646: Mr. ALEXANDER and Mr. UPTON.
H.R. 3652: Mr. CLAY.
H.R. 3660: Mr. ALEXANDER.
H.R. 3663: Mr. WEINER, Mr. RUSH, Mr. LANGEVIN, Mr. MCNERNEY, Mr. WU, Mr. JONES of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, and Mr. BRADY of Pennsylvania.
H.R. 3689: Mr. MCCOTTER.
H.R. 3721: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. GOHMERT, Mr. GONZALEZ, and Ms. GRANGER.
H.R. 3735: Mr. CROWLEY.
H.R. 3818: Mr. LEWIS of Kentucky.
H.R. 3822: Mr. ALLEN.
H.R. 3825: Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. BERRY, and Mr. DUNCAN.
H.R. 3829: Mr. WAXMAN.
H.R. 3836: Mr. LANTOS.
H.R. 3852: Mr. TURNER.
H.R. 3854: Mr. WEINER.
H.R. 3862: Ms. SCHAKOWSKY.
H.R. 3865: Mr. MLLLER of North Carollna.
H.R. 3932: Mr. HONDA.
H.R. 3934: Mr. FATTAH.
H.R. 3979: Mr. HONDA.
H.R. 3981: Mr. COHEN.
H.R. 3995: Mr. BOUSTANY.
H.R. 4008: Mr. YARMUTH.
H.R. 4011: Ms. DEGETTE.
H.R. 4014: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4015: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4016: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.
H.R. 4040: Mr. ACKERMAN, Mr. ALTMIRE, and Mr. DONNELLY.
H.R. 4054: Mr. LYNCH, Mr. LEVIN, and Mr. ARCURI.
H.R. 4061: Mr. NUNES.
H.R. 4083: Mr. COHEN.
H.R. 4088: Mr. HENSARLING and Mrs. BIGGERT.
H.R. 4091: Mr. GRIJALVA.
H.R. 4105: Mr. ENGEL.
H.R. 4129: Ms. BORDALLO.
H.R. 4133: Mr. HALL of Texas and Mr. BARRETT of South Carolina.
H.R. 4139: Mr. MCINTYRE.
H.R. 4149: Mr. MORAN of Virginia.
H.R. 4152: Mr. HARE and Mr. BRALEY of Iowa.
H.R. 4169: Mr. WOLF.
H.R. 4198: Mr. PRICE of North Carolina.
H.R. 4204: Mrs. BOYDA of Kansas, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.
H.R. 4206: Mr. COHEN and Mr. MILLER of North Carolina.
H.R. 4207: Mr. TIBERI.
H.R. 4218: Ms. ZOE LOFGREN of California and Mr. ALLEN.
H.R. 4230: Mr. RYAN of Ohio, Mr. WAXMAN, and Mr. EMANUEL.
H.R. 4236: Mr. SMITH of New Jersey.
H.R. 4246: Mr. ENGEL, Mr. BOOZMAN, Mr. SCOTT of Georgia, Mr. BLUMENAUER, and Mr. BURTON of Indiana.
H.R. 4247: Ms. BORDALLO and Mr. MILLER of North Carolina.
H.R. 4255: Mr. BRADY of Pennsylvania and Mr. LANGEVIN.
H.R. 4266: Mr. FOSSELLA.
H.R. 4297: Mr. PETERSON of Pennsylvania.
H.R. 4301: Mr. RAHALL.
H.R. 4310: Mr. MICHAUD.
H.R. 4318: Mr. TANNER, Mr. ENGLISH of Pennsylvania, Mr. WALSH of New York, and Mr. DUNCAN.
H.R. 4321: Mr. ORTIZ, Mr. SCOTT of Georgia, and Mr. COHEN.
H.R. 4344: Mr. PUTNAM.
H.R. 4355: Mr. SNYDER.
H.R. 4368: Mr. SMITH of Texas and Mr. MARCHANT.
H.R. 4454: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, and Mr. LEWIS of Kentucky.
H.R. 4458: Mrs. CHRISTENSEN.

H.R. 4462: Mr. PETERSON of Minnesota and Mr. FARR.
H.R. 4464: Mr. LEWIS of Kentucky and Mr. DUNCAN.
H.R. 4540: Mr. SARBANES.
H.R. 4544: Mr. BERRY, Ms. MATSUI, Mr. ALTMIRE, Mr. ELLSWORTH, Mr. HILL, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. ETHERIDGE, Mr. SNYDER, Mr. DICKS, Ms. HERSETH SANDLIN, MS. GIFFORDS, Mr. THOMPSON of California, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. BURTON of Indiana, and Mr. MATHESON.
H.R. 4545: Mr. STARK, Ms. WATSON, Mr. GUTIERREZ, and Ms. CORRINE BROWN of Florida.
H.R. 4577: Mrs. DRAKE.
H.R. 4660: Mr. GEORGE MILLER of California and Mr. FRANK of Massachusetts.
H.R. 4788: Mr. HINCHEY.
H.R. 4807: Mr. DELAHUNT and Mr. COHEN.
H.R. 4835: Mr. DEFAZIO, Mr. UDALL of New Mexico, Ms. WATERS, and Ms. WOOLSEY.
H.J. Res. 54: Mr. HIGGINS, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Mr. TIAHRT, and Mrs. WILSON of New Mexico.
H.J. Res. 64: Mr. GRIJALVA.
H.J. Res. 70: Mr. KANJORSKI, Mr. MILLER of North Carolina, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. MCKEON, Mr. SPACE, Mr. CANTOR, Mr. CASTLE, Mr. GOODLATTE, and Mr. DANIEL E. LUNGREN of California.
H. Con. Res. 81: Mr. WELDON of Florida and Mr. ALLEN.
H. Con. Res. 119: Mr. MCCOTTER.
H. Con. Res. 137: Mr. SOUDER.
H. Con. Res. 176: Mr. GOHMERT.
H. Con. Res. 232: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 239: Mr. FORTENBERRY.
H. Con. Res. 244: Mrs. CUBIN.
H. Con. Res. 249: Mr. UDALL of Colorado, Mr. MARKEY, and Mr. OBERSTAR.
H. Con. Res. 250: Mr. SOUDER, Mr. MCCOTTER, and Mr. STARK.
H. Con. Res. 263: Mr. HELLER.
H. Con. Res. 267: Mr. OLVER, Mr. HALL of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. BARROW.
H. Res. 37: Ms. MCCOLLUM of Minnesota.
H. Res. 49: Mr. CLAY.
H. Res. 111: Mr. STUPAK.
H. Res. 163: Ms. BALDWIN.
H. Res. 185: Ms. BORDALLO.
H. Res. 213: Mr. VAN HOLLEN.
H. Res. 333: Ms. MOORE of Wisconsin.
H. Res. 339: Mr. DUNCAN.
H. Res. 373: Mr. ROSKAM.
H. Res. 445: Mr. CHABOT.
H. Res. 537: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. BLACKBURN.
H. Res. 618: Mr. OBERSTAR.
H. Res. 620: Mr. NEAL of Massachusetts, Mr. BISHOP of New York, Mr. CONYERS, Mr. COSTA, Mr. CLAY, Mr. CALVERT, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. HODES, Mr. SCOTT of Virginia, and Ms. MATSUI.
H. Res. 671: Mr. MCCOTTER.
H. Res. 700: Mr. WALDEN of Oregon and Mr. MCCARTHY of California.
H. Res. 705: Mr. ALEXANDER.
H. Res. 753: Mr. PATRICK MURPHY of Pennsylvania.
H. Res. 758: Mr. PENCE.
H. Res. 776: Mr. MANZULLO and Mr. ISSA.
H. Res. 784: Mr. ALEXANDER.
H. Res. 795: Mr. COHEN.
H. Res. 814: Mr. WAXMAN.
H. Res. 854: Mr. FOSSELLA, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. ENGEL, and Mr. GENE GREEN of Texas.
H. Res. 868: Mr. COHEN.
H. Res. 879: Mr. BILIRAKIS, Mr. TANCREDO, and Mr. WEXLER.
H. Res. 888: Mrs. DRAKE, Mr. DAVID DAVIS of Tennessee, Mr. ADERHOLT, Mr. BOOZMAN, Mr. KLINE of Minnesota, Mr. TIBERI, Mr. YOUNG of Alaska, and Mr. MCCOTTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 72, making further continuing appropriations for the fiscal year 2008, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. BOOZMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 4 by Mr. ADERHOLT on House Resolution 748: Stevan Pearce.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, DECEMBER 19, 2007 No. 195

Senate

The Senate met at 11:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, when we look to the heavens, the works of Your fingers, the Moon and the stars that You have established, what is humanity that You are mindful of us? May those thoughts of Your Majesty lead us to humility and a willingness to acknowledge our weakness and failure as we receive Your strength and wisdom.

Give our Senators a passion for Your glory. Help them to remember Your words: Those who exalt themselves shall be abased, and those who humble themselves shall be exalted.

Today, I personally thank You for the gifts of TRENT and TRICIA LOTT. I praise You for their friendship, their faithfulness, and their fervor for You. As they leave the Senate, surround them with Your grace, power, and love.

We ask this in the Name of Him who is perfection incarnate. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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, December 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY 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, morning business will be what we will do most of the day. We have a 10-minute limitation, as we normally do, except for JACK REED, who has an order for 30 minutes. We are going to recess today at 12:30 for a Democratic conference and then reconvene at 2:15. We have a number of issues we will be working through today, the House is sending us, we are going to send them. There are, of course, no votes, and we will do our very best to finish as soon as we can. I spoke to both Majority Leader HOYER and Speaker PELOSI today. They expect to finish around 6 or 7 tonight. So during that time we will be running things back and forth with each other until we get this worked out.

ORDER FOR RETURN OF PAPERS—H.R. 2764

Mr. REID. Mr. President, this request has been approved by the Republicans. I ask unanimous consent that the Senate request the House to return the papers relative to H.R. 2764.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 171, S. 924.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 924) to strengthen the United States Coast Guard's Integrated Deepwater Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Integrated Deepwater Program Reform Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Analysis of alternatives.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Procurement and report requirements.
Sec. 8. GAO review and recommendations.
Sec. 9. Inspector General review of Deepwater program.
Sec. 10. Definitions.

SEC. 2. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the United States Coast Guard may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The United States Coast Guard shall utilize full and open competition for any other procurement for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) COMPLETION OF PROCUREMENT BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Coast Guard may use a private sector entity as a lead systems integrator—

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for procurements of—

(i) the HC–130J and the C41SR, and

(ii) National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date of enactment of this Act,

if the requirements of subsection (c) are met with respect to such procurements; and

(C) for the procurement of additional National Security Cutters or Maritime Patrol Aircraft if the Commandant determines, after conducting the analysis of alternatives required by section 3, that—

(i) the justifications of FAR 6.3 are met;

(ii) the procurement and the use of a private sector entity as a lead systems integrator for the procurement is in the best interest of the Federal government; and

(iii) the requirements of subsection (c) are met with respect to such procurement.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—The Coast Guard may award to any Tier 1 subcontractor or subcontractor below the Tier 1 level any procurement that it could award to a lead systems integrator under paragraph (1).

(3) REPORT ON DECISION-MAKING PROCESS.—If the Coast Guard determines under paragraph (1) that it will use a private sector lead systems integrator for a procurement, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure notifying the Committees of its determination and explaining the rationale for the determination.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a procurement under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any procurement described in subparagraph (B) or (C) of subsection (b)(1) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the entity was selected by the Coast Guard through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the justifications of FAR 6.3 are met.

SEC. 3. ANALYSIS OF ALTERNATIVES.

(a) IN GENERAL.—Except with respect to a procurement described in subparagraph (A) or (B) of section 2(b)(1) of this Act, or a procurement for which a request for proposals consistent with the FAR has been issued before the date of enactment of this Act, no procurement may be awarded under the Integrated Deepwater Program until an analysis of alternatives has been conducted under this section.

(b) INDEPENDENT ANALYSIS.—As soon as possible, but no later than 120 days after the date of enactment of this Act, the Commandant shall execute a contract for an analysis of alternatives with a Federally Funded Research and Development Center, an appropriate entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise for independent analysis of all of the proposed procurements under, or in support of, the Integrated Deepwater Program, including procurements described in section 2(b)(1)(B), and for any future major changes of such procurements. The Commandant may not contract under this subsection for such an analysis with any entity that has a substantial financial interest in any part of the Integrated Deepwater Program as of the date of enactment of this Act or in any alternative being considered.

(c) ANALYSIS.—The analysis of alternatives provided pursuant to the contract under subsection (b) for procurements and feasible alternatives shall include—

(1) an examination of capability, interoperability, and other advantages and disadvantages;

(2) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(3) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(4) an assessment of technology risk and maturity;

(5) an evaluation of safety and performance records; and

(6) a calculation of costs, including life-cycle costs.

(d) REPORT TO CONGRESS.—As soon as possible after an analysis of alternatives has been completed, the Commandant shall develop a plan for the procurements addressed in the analysis, as well as procurements described in subsection (a) for which no analysis of alternatives is required, and shall transmit a report describing the plan, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. CERTIFICATION.

(a) IN GENERAL.—After the date of enactment of this Act, a contract, delivery order, or task order exceeding $10,000,000 for procurement under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Commandant certifies that—

(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(2) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(3) the technology demonstrates a high likelihood of accomplishing its intended mission;

(4) the technology is affordable when considering the per unit cost and the total procurement cost in the context of the total resources available during the period covered by the Integrated Deepwater Program;

(5) the technology is affordable when considering the ability of the Coast Guard to accomplish its missions using alternatives, based on demonstrated technology, design, and knowledge;

(6) funding is available to execute the contract, delivery order, or task order; and

(7) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(b) LIMITATION.—Nothing in this section shall prevent the Coast Guard from executing contracts or issuing deliver orders or task orders, for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

(c) REPORT TO CONGRESS.—The Commandant shall transmit a copy of each certification required under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after the completion of the certification.

SEC. 5. CONTRACT REQUIREMENTS.

The Commandant shall ensure that any contract, delivery order, or task order for procurement under, or in support of, the Integrated Deepwater Program executed by the Coast Guard—

(1) addresses the recommendations related to award fee determination and award term evaluation made by the Government Accountability Office in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations relevant to the contract terms issued before March 1, 2007, including the recommendation that any award or incentive fee be tied to program outcomes;

(2) provides that certification of any Integrated Deepwater Program procurement for performance, safety, and other relevant factors determined by the Commandant will be conducted by an independent third party;

(3) does not include—

(A) for any contract extending the existing Integrated Deepwater Program contract term that expires in June, 2007, minimum requirements for the purchase of a given or determinable number of specific assets;

(B) provisions that commit the Coast Guard without express written approval by the Coast Guard;

(C) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(4) for any contract extending the existing Integrated Deepwater Program contract term that expires in June, 2007, is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University in its Quick Look Study dated February 5, 2007; and

(5) meets the requirements of the Systems Acquisition Manual.

SEC. 6. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall take action to ensure that—

(1) the measures contained in the Coast Guard's report entitled Coast Guard: Blue Print for Acquisition Reform are implemented fully;

(2) any additional measures for improved management recommended by the Defense Acquisition University in its Quick Look Study of the United States Coast Guard Deepwater Program, dated February 5, 2007, are implemented;

(3) integrated product teams, and all higher-level teams that oversee integrated product teams, are chaired by Coast Guard personnel; and

(4) the Assistant Commandant for Engineering and Logistics is designated as the Technical Authority for all design, engineering, and technical decisions for the Integrated Deepwater Program.

(b) TRANSFER.—

(1) IN GENERAL.—Section 93(a) of title 14, United States Code, is amended—

(A) by striking ''and'' after the semicolon in paragraph (23);

(B) by striking ''appropriate.'' in paragraph (24) and inserting ''appropriate; and''; and

(C) by adding at the end thereof the following:

''(25) notwithstanding any other provision of law, in any fiscal year transfer funds made available for personnel, compensation, and benefits from the appropriation account 'Acquisition, Construction, and Improvement' to the appropriation account 'Operating Expenses' for personnel compensation and benefits and related costs necessary to execute new or existing procurements of the Coast Guard.''.

(2) NOTIFICATION.—Within 30 days after making a transfer under section 93(a)(25) of title 14, United States Code, the Commandant shall notify the Senate Committee on Commerce, Science, Transportation and Infrastructure, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the House Committee on Appropriations.

SEC. 7. PROCUREMENT AND REPORT REQUIREMENTS.

(a) SELECTED ACQUISITION REPORTS.—The Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure reports on the Integrated Deepwater Program that contain the same type of information with respect to that Program, to the greatest extent practicable, as the Secretary of Defense is required to provide to the Congress under section 2432 of title 10, United States Code, with respect to major defense procurement programs.

(b) UNIT COST REPORTS.—Each Coast Guard program manager under the Coast Guard's Integrated Deepwater Program shall provide to the Commandant, or the Commandant's designee, reports on the unit cost of assets acquired or modified that are under the management or control of the Coast Guard program manager on the same basis and containing the same information, to the greatest extent practicable, as is required to be included in the reports a program manager is required to provide to the service procurement executive designated by the Secretary of Defense under section 2433 of title 10, United States Code, with respect to a major defense procurement program.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—Within 30 days after the Commandant becomes aware of a likely cost overrun or scheduled delay, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes—

(1) a description of the known or anticipated cost overrun;

(2) a detailed explanation for such overruns;

(3) a detailed description of the Coast Guard's plans for responding to such overrun and preventing additional overruns; and

(4) a description of any significant delays in procurement schedules.

(d) PATROL BOAT REPORT.—Not later than 90 days after the date of enactment of this Act the Commandant 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 how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2008 through fiscal year 2014. The report shall include—

(1) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and reduced capabilities of the 110-foot cutters that have been converted;

(2) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;

(3) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(4) a description of how extending through fiscal year 2014 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and

(5) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2008 through 2014.

SEC. 8. GAO REVIEW AND RECOMMENDATIONS.

(a) AWARD FEE AND AWARD TERM CRITERIA.—The Coast Guard shall consult with the Comptroller General no later than June 1, 2007 to ensure that the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007, with respect to award fee and award term criteria will be addressed to the maximum extent practicable in any contract, delivery order, or task order or extension of the existing contract for procurement under or in support of the Integrated Deepwater Program entered into after the date of enactment of this Act.

(b) OTHER RECOMMENDATIONS.—The Commandant shall ensure that all other recommendations in that report, and any subsequent recommendations issued before March 1, 2007, are implemented to the maximum extent practicable by the Coast Guard within 1 year after the date of enactment of this Act. The Commandant shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing such recommendations.

(c) GAO REPORTS ON IMPLEMENTATION.—Beginning 6 months after the date of enactment of this Act, the Comptroller General shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing the provisions of this Act, the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007.

SEC. 9. INSPECTOR GENERAL REVIEW OF DEEPWATER PROGRAM.

Not later than 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Secretary, and to Congress, a report on the acquisition of assets under the Deepwater program. The report shall include—

(1) a description of each decision, if any, of the Coast Guard or Integrated Coast Guard Systems relating to the acquisition of assets under the Deepwater program that directly or indirectly resulted in cost overruns or program cost increases to the United States;

(2) an assessment whether any decision covered by paragraph (1) violated the terms of the contract of Integrated Coast Guard Systems for the Deepwater program;

(3) an assessment of how much program costs under the Deepwater program have increased as a result of any such decision; and

(4) an assessment of whether the Coast Guard or Integrated Coast Guard Systems is responsible for the payment of any cost overruns associated with any such decision.

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(2) INTEGRATED DEEPWATER PROGRAM.—The term ''Integrated Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program.

(3) PROCUREMENT.—The term ''procurement'' includes development, production, sustainment, modification, conversion, and missionization.

Mr. REID. I ask unanimous consent that the Cantwell amendment to the committee substitute which is at the desk be agreed to; the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3884) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 924), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 924

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Integrated Deepwater Program Reform Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Alternatives Analysis.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Department of Defense Consultation.
Sec. 8. Procurement and report requirements.
Sec. 9. GAO review and recommendations.
Sec. 10. Inspector General review of Deepwater program.
Sec. 11. Definitions.

SEC. 2. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the United States Coast Guard may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Integrated Deepwater Program more than 90 days after the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The United States Coast Guard shall utilize full and open competition for any other procurement for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.

(b) EXCEPTIONS.—

(1) COMPLETION OF PROCUREMENT BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Coast Guard may use a private sector entity as a lead systems integrator—

(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date that is 90 days after the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for procurements after the date that is 90 days after the date of enactment of this Act of, or in support of—

''(i) the HC–130J aircraft, the HH–65 aircraft, and the C4ISR system, and

(ii) National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date that is 90 days after the date of enactment of this Act,

if the requirements of subsection (c) are met with respect to such procurements; and

(C) for the procurement, or in support, of additional National Security Cutters or Maritime Patrol Aircraft if the Commandant determines, after conducting the alternatives analysis required by section 3, that—

(i) the procurement is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations;

(ii) the procurement and the use of a private sector entity as a lead systems integrator for the procurement is in the best interest of the Federal government; and

(iii) the requirements of subsection (c) are met with respect to such procurement.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—The Coast Guard may award to any Tier 1 subcontractor or subcontractor below the Tier 1 level any procurement that it could award to a lead systems integrator under paragraph (1).

(3) REPORT ON DECISION-MAKING PROCESS.—If the Commandant determines under subparagraph (B) or C) of paragraph (1) that the Coast Guard will use a private sector lead systems integrator for a procurement, the Commandant shall notify in writing the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of its determination and shall provide a detailed rationale for the determination.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a procurement under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any procurement described in subparagraph (B) or (C) of subsection (b)(1) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the subcontractor was selected by the Coast Guard through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B) or (C).

SEC. 3. ALTERNATIVES ANALYSIS.

(a) IN GENERAL.—Except with respect to a procurement described in subparagraph (A) or (B) of section 2(b)(1) of this Act, or a procurement for which a request for proposals consistent with the Federal Acquisition Regulations has been issued before the date of enactment of this Act, no procurement of a major asset may be awarded under the Integrated Deepwater Program after the date of enactment of this Act until an alternatives analysis has been conducted under this section.

(b) INDEPENDENT ANALYSIS.—As soon as possible, but no later than 120 days after the date of enactment of this Act, the Commandant shall execute a contract for an alternatives analysis with a Federally Funded Research and Development Center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise for independent analysis of all of the proposed procurements under, or in support of, the Integrated Deepwater Program, including procurements described in section 2(b)(1)(B), and for any future major changes of such procurements. The Commandant may not contract under this subsection for such an analysis with any entity that has a substantial financial interest in any part of the Integrated Deepwater Program as of the date of enactment of this Act or in any alternative being considered.

(c) ANALYSIS.—The alternatives analysis provided pursuant to the contract under subsection (b) for procurements and feasible alternatives shall include—

(1) an examination of capability, interoperability, and other advantages and disadvantages;

(2) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(3) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(4) an assessment of technology risk and maturity;

(5) an evaluation of safety and performance records;

(6) a calculation of costs, including life-cycle costs; and

(7) a business case of viable alternatives.

(d) REPORT TO CONGRESS.—As soon as possible after an alternatives analysis has been completed, the Commandant shall develop a plan for the procurements addressed in the analysis, as well as procurements described in subsection (a) for which no alternatives analysis is required, and shall transmit a report describing the plan, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) EXPERIMENTAL, TECHNICALLY IMMATURE SYSTEMS.—

(1) IN GENERAL.—No procurement of an experimental or technically immature major asset may be awarded under the Integrated Deepwater Program until an alternatives analysis has been conducted for such asset. The alternatives analysis shall include the same components as those set forth in subsection (c). In addition, the alternatives analysis shall also include—

(A) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(E) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(F) such additional measures the Commandant determines to be necessary for appropriate evaluation of the asset.

(2) REPORT.—As soon as possible after an alternatives analysis pursuant to this subsection has been completed, the Commandant shall transmit a report that provides a detailed summary of the findings of the analysis, a plan for the procurements addressed in the analysis, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Justice, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. CERTIFICATION.

(a) IN GENERAL.—After the date of enactment of this Act, a contract, delivery order, or task order exceeding $10,000,000 for procurement under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Commandant certifies that—

(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(2) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(3) the technology demonstrates a high likelihood of accomplishing its intended mission;

(4) the technology is affordable when considering the per unit cost and the total procurement cost in the context of the total resources available during the period covered by the Integrated Deepwater Program;

(5) the technology is affordable when considering the ability of the Coast Guard to accomplish its missions using alternatives, based on demonstrated technology, design, and knowledge;

(6) funding is available to execute the contract, delivery order, or task order; and

(7) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(b) LIMITATION.—Nothing in this section shall prevent the Coast Guard from executing contracts or issuing delivery orders or task orders, for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

(c) REPORT TO CONGRESS.—The Commandant shall transmit a copy of each certification required under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after the completion of the certification.

SEC. 5. CONTRACT REQUIREMENTS.

The Commandant shall ensure that any contract, delivery order, or task order for procurement under, or in support of, the Integrated Deepwater Program executed by the Coast Guard after the date of enactment of this Act—

(1) addresses the recommendations related to award fee determination and award term evaluation made by the Government Accountability Office in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, including the recommendation that any award or incentive fee be tied to program outcomes;

(2) addresses any subsequent Government Accountability Office recommendations that are issued at least 30 days prior to the execution of the contract, delivery order or task order when such recommendations are relevant to the contract terms;

(3) provides that certification of any Integrated Deepwater Program procurement for performance, safety, and other relevant factors determined by the Commandant will be conducted by an independent third party;

(4) does not include—

(A) provisions that commit the Coast Guard without express written approval by the Coast Guard; or

(B) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(5) meets the requirements of the Coast Guard Major Systems Acquisition COMDTINST Manual 5000.10(series); and

(6) for any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term—

(A) is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition

University in its Quick Look Study dated February 5, 2007; and

(B) does not include any minimum requirements for the purchase of a given or determinable number of specific assets.

SEC. 6. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall take action to ensure that—

(1) the measures contained in the Coast Guard's report entitled Coast Guard: Blue Print for Acquisition Reform are implemented fully;

(2) any additional measures for improved management recommended by the Defense Acquisition University in its Quick Look Study of the United States Coast Guard Deepwater Program, dated February 5, 2007, are implemented;

(3) integrated product teams, and all higher-level teams that oversee integrated product teams, are chaired by Coast Guard personnel; and

(4) the Assistant Commandant for Engineering and Logistics is designated as the Technical Authority for all design, engineering, and technical decisions for the Integrated Deepwater Program.

(b) TRANSFER.—

(1) IN GENERAL.—Section 93(a) of title 14, United States Code, is amended—

(A) by striking ''and'' after the semicolon in paragraph (23);

(B) by striking ''appropriate.'' in paragraph (24) and inserting ''appropriate; and''; and

(C) by adding at the end thereof the following:

''(25) notwithstanding any other provision of law, in any fiscal year transfer funds made available for personnel, compensation, and benefits from the appropriation account 'Acquisition, Construction, and Improvement' to the appropriation account 'Operating Expenses' for personnel compensation and benefits and related costs necessary to execute new or existing procurements of the Coast Guard.''.

(2) NOTIFICATION.—Within 30 days after making a transfer under section 93(a)(25) of title 14, United States Code, the Commandant shall notify the Senate Committee on Commerce, Science, Transportation and Infrastructure, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the House Committee on Appropriations.

SEC. 7. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Coast Guard shall make arrangements as appropriate with the Department of Defense for support in contracting and management of procurements under the Integrated Deepwater Program. The Coast Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets. No later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on agreements and other arrangements concluded pursuant to this subsection.

(b) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage procurements under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

SEC. 8. PROCUREMENT AND REPORT REQUIREMENTS.

(a) PROCUREMENT SCHEDULES.—

(1) BUDGET JUSTIFICATION DOCUMENTS.—Each calendar year, not later than 45 days after the President submits the budget to Congress under section 1105 of title 31, United States Code, the Commandant shall submit to Congress budget justification documents regarding development and procurement schedules for each asset of the Integrated Deepwater Program for which any funds for procurement are requested in that budget.

(2) REQUIRED DOCUMENTS.—The budget justification documents required to be submitted under paragraph (1) for each asset for which funds for procurement are requested in the budget include—

(A) the development schedule for each asset and asset class, including estimated annual costs until development is completed;

(B) the procurement schedule for each asset and asset class, including estimated annual costs and units to be procured until procurement is completed;

(C) any variances in schedule or cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets.

(b) QUARTERLY STATUS UPDATE.—The Commandant shall provide an update on the status of the Integrated Deepwater Program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the beginning of the first full fiscal year quarter after the date of enactment of this Act, and at the beginning of each subsequent fiscal year quarter.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—

(1) REPORT REQUIRED.—The Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as soon as possible, but not later than 30 days after the Deepwater Program Executive Officer becomes aware of—

(A) a likely cost overrun greater than 10 percent of the program acquisition unit cost, the procurement unit cost, or the life cycle cost of an individual asset or a class of assets under the Integrated Deepwater Program; or

(B) a likely delay of more than 6 months in the delivery schedule for any individual asset or class of assets under the Integrated Deepwater Program.

(2) REQUIRED CONTENT.—The report shall include—

(A) a detailed explanation for the variance or delay;

(B) the current program acquisition unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d);

(C) the current procurement unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a full life-cycle cost analysis for each asset or class of assets for which a report is being submitted under paragraph (1).

(3) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the plan submitted under section 3(d) or, if the plan has been revised, from the schedule and costs described in the revised plan, the Commandant shall include in the report required under paragraph (1) a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in a more cost-effective and timely manner;

(C) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(4) CERTIFIED ASSETS AND ASSET CLASSES.—If the Commandant certifies an asset or asset class under paragraph (3), the requirements of this subsection shall be based on the new estimates of cost and schedule contained in that certification.

(5) DEFINITIONS.—In this subsection:

(A) LIFE-CYCLE COST.—The term ''life-cycle cost'' means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

(B) PROCUREMENT UNIT COST.—The term ''procurement unit cost'' means the amount equal to the total of all funds programmed to be available for obligation for procurement of a given asset class divided by the number of assets to be procured.

(C) PROGRAM ACQUISITION UNIT COST.—The term ''program acquisition unit cost'' means the amount equal to the total cost for development, procurement, and construction for each class of assets divided by the total number of assets in each class.

(d) PATROL BOAT REPORT.—Not later than 90 days after the date of enactment of this Act the Commandant 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 how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2008 through fiscal year 2014. The report shall include—

(1) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and reduced capabilities of the 110-foot cutters that have been converted;

(2) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;

(3) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(4) a description of how extending through fiscal year 2014 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and

(5) an estimate of the cost to extend the operational lifespan of the 110-foot patrol

boat fleet for each of fiscal years 2008 through 2014.

(e) REPORT ON C4ISR.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the manner in which the Coast Guard is resolving the problems and responding to the recommendations contained in the August 2006 Department of Homeland Security Inspector General Report entitled Improvements Needed in the Coast Guard's Acquisition and Implementation of Deepwater Information Technology Systems.

(f) AMENDMENT OF 2006 ACT.—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

SEC. 9. GAO REVIEW AND RECOMMENDATIONS.

(a) AWARD FEE AND AWARD TERM CRITERIA.—The Coast Guard shall consult with the Comptroller General to ensure that the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations with respect to award fee and award term criteria will be addressed to the maximum extent practicable in any contract, delivery order, or task order or extension of the existing contract for procurement under or in support of the Integrated Deepwater Program entered into after the date of enactment of this Act.

(b) OTHER RECOMMENDATIONS.—The Commandant shall ensure that all other recommendations in that report, and any subsequent recommendations issued before March 1, 2007, are implemented to the maximum extent practicable by the Coast Guard within 1 year after the date of enactment of this Act, and implement subsequent recommendations to the maximum extent practicable as they arise.

(c) GAO REPORTS ON IMPLEMENTATION.—Beginning 6 months after the date of enactment of this Act, the Comptroller General shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing the provisions of this Act, the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007.

SEC. 10. INSPECTOR GENERAL REVIEW OF DEEPWATER PROGRAM.

Not later than 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Secretary, and to Congress, a report on the acquisition of assets under the Deepwater program. The report shall include—

(1) a description of each decision, if any, of the Coast Guard or Integrated Coast Guard Systems relating to the acquisition of assets under the Deepwater program that directly or indirectly resulted in cost overruns or program cost increases to the United States;

(2) an assessment whether any decision covered by paragraph (1) violated the terms of the contract of Integrated Coast Guard Systems for the Deepwater program;

(3) an assessment of how much program costs under the Deepwater program have increased as a result of any such decision; and

(4) an assessment of whether the Coast Guard or Integrated Coast Guard Systems is responsible for the payment of any cost overruns associated with any such decision.

SEC. 11. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(2) INTEGRATED DEEPWATER PROGRAM.—The term ''Integrated Deepwater Program'' means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program.

(3) PROCUREMENT.—The term ''procurement'' includes development, production, sustainment, modification, conversion, and missionization.

ENERGY BILL SIGNING

Mr. REID. Mr. President, I just returned from the White House for the signing of the Energy bill. It is important to note Senator CANTWELL was not at the signing but how important she was. She is not a committee chair, but she was extremely valuable in everything we did getting that Energy bill passed. She was instrumental in working out a number of disputes keeping the bill from passing. But with her hard work, when she focuses on something, it really helps a lot. I have had experience with her in the past. Her work on the Energy bill was extremely invaluable. I appreciate her help very much.

NATIONAL RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Small Business and Entrepreneurship Committee be discharged from further consideration of S. 1784 and the Senate then proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1784) to amend the Small Business Act to improve programs for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, a few months ago, I introduced the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. As the chairman of the Senate Committee on Small Business and Entrepreneurship, I was gratified that I was able to work with Ranking Member Senator SNOWE on behalf of this Nation's veterans. I was also pleased that this bill was added by unanimous consent as an amendment to the Department of Defense Authorization, although disappointed when the final House-Senate negotiated compromise did not make it as part of the final bill.

In November, Senator SNOWE and I sought to pass this bill in the Senate only to meet with objections from my respected colleague from Oklahoma. I am pleased to say that Senator COBURN has worked with me in good faith and that we have reached an agreement that addresses his concerns. We have sought to protect the language that the House and Senate agreed upon and done our utmost to improve the resources that are available to our Nation's veterans. Although this bill is not perfect or exactly as I may have envisioned, it is an important step forward in supporting the American dream of business ownership for veterans and reservists.

Passing these provisions into law has been one of my highest priorities since becoming chairman of the Committee on Small Business and Entrepreneurship in January. My first hearing as chairman was devoted to veteran small business issues, and this bill arises directly from the complaints that we heard there. America's veterans and reservists have sacrificed enough in fighting for our country; they shouldn't have to sacrifice their jobs and their livelihoods when they come home.

There are 25 million veterans in this country. In the last 4 years, alone, nearly 600,000 veterans have returned from serving in Iraq and Afghanistan. Roughly 56 percent are reserve and National Guard members, who continue to serve this Nation at unprecedented levels. This is taking a toll not just on their families, but on their businesses as well. We are in an era where employers do not want to hire reservists because they know they will be called up for lengthy deployments. At a Small Business Committee hearing on veterans' issues earlier this year, one of the witnesses raised concerns about a lack of employer support for reservists due to the new policy that allows reservists to be called up for a second tour of 24 months.

I am also deeply concerned that recently discharged veterans have a higher unemployment rate—double that of their civilian counterparts. In addition, the number of service disabled veterans is increasing—167,000 discharged between 2002 and 2005— and their self-employment rate is lower than the national average.

This bill is a first step in addressing these concerns and it builds on important lessons we learned from Vietnam, not to leave another generation of veterans behind.

The Military Reservists and Veteran Small Business Reauthorization and Opportunity Act of 2007 takes a number of steps to improve the Government's role in supporting our veterans. Specifically, it reauthorizes the veteran programs in the Small Business Administration. This legislation increases the funding authorization for the Office of Veteran Business Development from

$2 million today to $2.3 million over 2 years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

The bill also creates an Interagency Task Force to improve coordination between agencies in administrating veteran small business programs. One of the biggest complaints that our committee heard at the ''Assessing Federal Small Business Assistance Programs for Veterans and Reservists'' hearing held on January 31 was that Federal agencies do not work together in reaching out to veterans and informing them about small business programs. This task force is an attempt to improve that. The task force will focus on increasing veterans' small business success, including procurement and franchising opportunities, access to capital, and other types of business development assistance.

This bill also permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and reserves. This has intensified since September 11 and increased deployments are expected to continue. The effect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan, MREIDL, program to provide loans to small businesses that incur economic injury as a result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs. At the hearing on January 31, we heard suggestions for a number of changes which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to 1 year following the date of discharge; creating a predeployment loan approval process; and improved outreach and technical assistance.

This bill also increases to $50,000 the amount SBA can disburse without requiring collateral under the MREIDL program. Reservist families have already sacrificed enough when a family member goes away to serve their country and when their business is harmed as a result. This loan program would allow reservist dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the non-collaterized loan created in this bill would not accumulate interest or require payments for one year or until after the deployment ends, whichever is longer.

There are two more provisions which will help this Nation's service members. One section of the bill will require the SBA to give priority to MREIDL loans during loan processing. Another provision will give activated servicemembers an extension of any SBA time limitations equal to the time spent on active duty. This will make it easier for service members to serve their country while continuing to meet their obligations at home.

Lastly, this bill calls for two reports. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

This bill also calls for a study to investigate how to improve relations between reservists and their employers. In January, the committee heard that recent changes by the Department of Defense to policies regulating the length and frequency of reservist deployments is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring them. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them.

The bill also includes a number of other important provisions that were added by the House. For instance, this bill includes language directing the Office of Veterans Business Develop to increase the number of Veterans Business Outreach Centers and requires them to improve their participation in the Transition Assistance Program. This bill also creates a program reducing 7(a) loan fees for veterans, improves Small Business Development Centers outreach to the veteran community and instructs the Associate Administrator of the Office of Veterans Business Development to create and disseminate information aimed at informing women veterans about the resources available to them. I am pleased that the House and Senate were able to come to an agreement on these provisions.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources and small business training to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent.

We owe veterans and reservists more than a simple thank you for their service. The least we can do is provide critical resources to help them start and grow small business and to hold Federal agencies accountable. That is what our bill does.

Ms. SNOWE. Mr. President, I rise today to once again urge my colleagues to support passage of S. 1784, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007, offered by Senator KERRY and me, chair and ranking member of the Senate Committee on Small Business and Entrepreneurship. I have spoken about this bill on multiple occasions because it is truly critical that our fellow colleagues, in each Chamber and both sides of the aisle, continue to collaborate on our veterans' behalf and support swift passage of this legislation. This bipartisan legislation contains key provisions from both S. 904, the Veterans Small Business Opportunity Act of 2007, which I introduced in March, and Senator KERRY's S. 1005, Military Reservist and Veteran Small Business Reauthorization Act of 2007.

This legislation would have an immediate impact on our men and women fighting around the globe for the freedoms we enjoy every day. First, our bill makes vast improvements to the Small Business Administration's, SBA, Military Reservist Economic Disaster Loan, MREIDL, program. The MREIDL program provides funds to businesses to meet ordinary and necessary business expenses that they could have made, if not for the deployment of a reservist who is one of their essential employees.

Specifically, the bill establishes a pre-application process so businesses can be prepared, in advance, to apply for an MREIDL and includes a provision allowing businesses up to one year, as opposed to 90 days, to apply. The legislation increases, from $1.5 million to $2 million, the maximum

MREIDL loan a business can take and raises, from $5,000 to $50,000, the level of uncollateralized MREIDL loans available to businesses. Finally, our changes to the MREIDL program would allow the SBA administrator to defer the payment of principal and interest while the employee is deployed.

The bill would also create a new interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting opportunities to, small businesses owned and controlled by veterans. This type of coordinated and targeted effort by our Federal Government is long overdue.

Additionally, today's legislation would increase funding for the SBA's Office of Veterans Business Development, and permanently extend the duties and responsibilities of the SBA Advisory Committee on Veterans Business Affairs. It would also allow small businesses owned and operated by veterans to extend their SBA program participation time limitations by the duration of their owner's deployment.

While I have not provided an exhaustive list of this bill's provisions and all that it would do, a simple review of the legislation will reveal that it goes far toward helping our Nation's veteran entrepreneurs and our patriotic small businesses that employ reservists, despite the risk that deployments entail. To that end, I once again urge my colleagues to join us in support of this bill.

Mr. REID. I understand there is a substitute amendment at the desk. I ask unanimous consent that the Coburn amendment at the desk be considered agreed to; the substitute, as amended, be agreed to; the bill, as amended, be read a third time, and the Senate then proceed to H.R. 4253, which is at the desk; that all after the enacting clause be stricken and the text of S. 1784, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid on the table; that any statements relating to this matter be printed in the RECORD without further intervening action or debate; and that S. 1784 then be placed on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3886) was agreed to, as follows:

On page 4, line 25, strike ''increase'' and all that follows through ''opportunities to'' on page 5, line 2, and insert ''improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for''.

On page 5, line 10, after the semicolon, add ''and''.

On page 5, line 22, strike ''; and'' and insert a period.

On page 5, strike lines 23 through 25.

On page 6, strike line 1 and all that follows through page 7, line 16, and insert the following:

''(3) DUTIES.—The task force shall—

''(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

''(B) coordinate administrative and regulatory activities and develop proposals relating to—

''(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

''(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

''(vi) making other improvements relating to the support for veterans business development by the Federal Government.

On page 9, strike line 13 and all that follows through page 10, line 8, and insert the following:

''(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

''(1) compile information on existing resources available to women veterans for business training, including resources for—

''(A) vocational and technical education;

''(B) general business skills, such as marketing and accounting; and

''(C) business assistance programs targeted to women veterans; and

''(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.''.

On page 11, strike line 10 and all that follows through page 20, line 23, and insert the following:

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

On page 22, between lines 10 and 11, insert the following:

SEC. 202. DISASTER LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (E), by striking ''unless'' and all that follows and inserting a period; and

(2) by inserting after subparagraph (I), the following:

''(J) There shall be reasonable assurance that a loan recipient under this paragraph can repay the loan of personal or business cash flow.''.

On page 22, line 21, strike ''waive'' and all that follows through ''date'' on line 23 and insert ''extend the ending date specified in the preceding sentence by not more than 1 year''.

On page 24, line 4, strike ''shall'' and insert ''may''.

On page 32, between lines 9 and 10, insert the following:

(d) ADDITIONAL STUDY.—Not later than 180 days after the date of enactment of this Act, the Office of Advocacy of the Administration shall submit to Congress a report describing—

(1) the barriers in place arising from Federal regulations for veterans who wish to become entrepreneurs;

(2) the barriers in place arising from the tax code for veterans who wish to become entrepreneurs; and

(3) any recommendations for how best to eliminate those barriers to better assist current or prospective veteran small business owners.

The substitute amendment (No. 3885), as amended, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 4253), as amended, was ordered to be read a third time, was read the third time and passed.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

YEAR-END LEGISLATIVE WRAP-UP

Mr. MCCONNELL. Mr. President, last night, when everybody was rushing around in the well during the last vote and wishing each other a Merry Christmas, I was reminded of something Senator LOTT said yesterday morning. He told us not to forget that we all have normal lives and families to get home to and the same basic concerns in life as everybody else; and that if we forget that, then this body is in serious trouble.

It is in that spirit that I would like to wrap up the year in pretty much the same way I tried to open it, by urging a little more cooperation and civility. About a year ago now, I called on my colleagues from both sides of the aisle to take advantage of the rare opportunity divided government gave us to tackle big issues on a bipartisan basis. Beyond that, I said Republicans had a few basic priorities: keeping Americans safe and secure, protecting their basic freedoms, protecting their wallets, and spending their money wisely. I said we would not hesitate to ensure these priorities by shaping worthy legislation or by blocking legislation that would undermine them.

Looking back on the year, I think we have been pretty successful at it.

Early on, Democrats presented us with a minimum wage bill that undermined small businesses, and it did not pass. When they agreed to include a tax break, it sailed through by a vote of 94–3. We shaped that one.

A little later, Democrats gave us an energy conservation bill that would have led to higher taxes, and it did not pass. When they agreed to remove the tax hikes 6 months later, it passed easily, 86–13. We shaped that one.

Then they offered to extend a ban on the AMT middle-class tax hike for 1 more year, but to cover the cost by imposing a new tax on the same 23 million Americans who are about to be

whacked by it. The AMT was never meant to hit middle-class families, so a new tax to pay for the mistake was plainly unfair. When Democrats finally took it out, the AMT fix passed the Senate 88–5. We shaped that one.

Again and again, we have insisted the minority be heard and, in the end, we were. We have shaped a lot of legislation this year to ensure that Republican priorities were addressed. We are proud of it.

We have also stopped a lot of things that we thought would undermine our security.

The most prominent example, of course, is Iraq. After last night, Senate Democrats had held 34 votes this year related to the war in Iraq. And on every one that either attempted to substitute our judgment for the judgment of our commanders or cut off funds for our men and women in the field, we prevailed.

So we have shaped a lot of things we thought were worthy, things like the AMT fix and the energy conservation bill. And we have proudly blocked some things that we thought were just bad ideas altogether, like pulling our troops out of Iraq before the Petraeus Plan had time to take hold.

But our intention from the start was always, if possible, to avoid confrontation as an end unto itself. The history books are filled with examples of the things Congress achieved when opposite parties controlled the White House and the Congress. That was always our first option.

Unfortunately, our friends seemed intent on forcing votes all year, whether they be on Iraq or any number of domestic issues, that never had a chance of either passing the Senate or of becoming law. The practical effect, of course, is that very little would get accomplished in the end.

But it didn't have to be that way. On the bills I have mentioned, Democrats had a choice: they could have presented us first with the version they knew we could cooperate on. Or, as we saw all too often, they could present us with a partisan bill that could only serve them as a talking point. When they chose the former, we racked up some serious accomplishments together.

Over the last week, we have seen this kind of cooperation work on the energy conservation bill and on the AMT.

I have actually enjoyed working with the distinguished majority leader all year. I won't be the first person to remark that he has a tough job. But he has shown a lot of patience this year, and he has put up with a lot. So I want to thank him for his collegiality and his friendship.

I also want to thank him once again for speaking to the students at the McConnell Center in Louisville in October. It meant a lot to the students, and it meant a lot to me. A lot of people seem surprised when I tell them the last two Senators I have had speak at the center are Senator KENNEDY and Senator REID.

All of us were put here by voters with vastly different backgrounds who hold vastly different views. And the fact that we can work together and pass legislation that covers every one of them is really the glory of this institution and this country. But we will never be able to do that if we are not gentlemanly and respectful. TRENT had it right. We can't lose sight of the important things.

In that spirit, I thank all of our colleagues and staffs on both sides of the aisle, Republicans and Democrats, for all the sacrifices they have made this year and for all the grief they took from their constituents, their wives, their husbands, and their kids for living the kind of life we all live in this fishbowl. I know a lot of them are on their way home at the moment. I am glad they are. I must say I am not far behind. But I do want to wish them all a very warm, happy, and Merry Christmas with their families.

I might say to my good friend the majority leader and to all of our colleagues, we are looking forward to a month off and then looking forward to getting back together at the end of January to see what we can accomplish next year for the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have a statement I will give later in the day about what we have done this year. But I want to take this opportunity to reciprocate with the kind words the distinguished Republican leader said on my behalf.

Without in any way taking away from the opportunities we have, Senator MCCONNELL and I, as being Democratic and Republican leaders of the Senate, the majority and minority leaders of the Senate, these are wonderful opportunities, honors neither one of us would ever imagine we would have. I have been in government a long time, as has my friend the Republican leader. We both recognize that we have to set an example for the rest of the body in patience, in cordiality, and being gentlemen and friends to each other. I think we have done that.

We have gone through some difficult times, criticized not each other personally but as to what has taken place there has been criticism. That will continue, and there is nothing wrong with that. I would like to say my criticism is constructive in nature, and I hope that is how I take any criticism that I get from the other side.

We have a lot to do next year. Next year will actually be more difficult than this year because we will be in the midst of a Presidential election. For me, though, I will have three Democratic Senators back working full time. That will be very pleasant. We will not have to try to arrange the schedule for all four of them.

Scheduling is hard because the Senate has changed over the years, even since I have been here. Schedules are now a lot determined by airplane schedules, not Senate schedules. But on the one hand, when Senators are forced to think about having to be here and not do their fundraising over a weekend, or going back to their States, we tend to get a lot done. We have had to, on occasion—several occasions this year—say we are going to have to be in on the weekend, but with the exception of one weekend, or maybe two weekends, we were able to get the same amount of work done had we stayed here all weekend.

So, again, I say to my friend, the Senator from Kentucky, the Republican leader, we have a lot to look forward to next year. We are going to see a new President to replace President Bush. We hope that will create, in the last year of President Bush's term, more cordiality between the two of us.

I have a meeting later today with the President's Chief of Staff. I hope that will bear fruit. One of the things we have to work on is to try to not have to be in session during the entire next month. We have Senators lined up to cover that. I hope we can work something out with the White House so that is not necessary because there is a significant number of Democratic nominations and a large number of Republican nominations we would like to clear. Hopefully, we can do that later today.

So I will be back later, but I do want to express my appreciation for the kind words and thoughts of my friend, the Senator from Kentucky.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the Senator from Rhode Island, Mr. REED, will be recognized for up to 30 minutes.

The Senator from Wyoming.

THANKING THE MAJORITY AND REPUBLICAN LEADERS

Mr. ENZI. Mr. President, I thank our leaders for getting together and working things out so we were able to conclude our votes late last night and begin the Christmas recess. It was a relief to many to know they were not going to be here through Christmas due to complications that could arise from airplanes. Today, though, I am going to talk about something that is completely different.

TRIBUTE TO KATHERINE MCGUIRE

Mr. ENZI. Mr. President, I am joined on the floor by Katherine McGuire,

who is the staff director of the Health, Education, Labor, and Pensions Committee. This will be her last time on the floor of the Senate.

It was just about 11 years ago when I first came to Washington to serve the people of Wyoming in the Senate. As soon as I arrived, the first item on my agenda was to start to put staff together. I knew it was an important first step because the key to whatever success we are able to achieve is always due in large part to the dedicated and loyal people who work with us and for us.

In addition, that first staff is so important to a new Senator because our staffs help to set the tone for that first Congress and the beginning of every Senate career. It is true that in the end, you are only as good and effective as the people with whom you work and for whom you work—as it turns out sometimes.

Now, I talked to everyone I could. I went through a mountain of resumes and slowly but surely began to make some progress. In a short week, I went through orientation—with the leadership of my wife, we bought a house—and I interviewed over 100 people for my staff.

As I reviewed the credentials of an impressive group of applicants, I knew I would need someone to head up my staff who knew Wyoming. That meant I would need to find someone who had Wyoming roots and understood the needs of my home State. In addition, that person would need to know Washington and the Senate and how to help me and the rest of the staff get things done. I knew it would not be good enough to work hard if that hard work and determination did not produce the results that we were after.

It would not be easy to find someone who was equally at home in both Wyoming and Washington, but when I had those qualifications in mind and started looking for such a person, one candidate rose to the top. That was Katherine McGuire, and she was clearly the best and most obvious choice for the job.

She had committee experience as well as State staff experience. She also had a master's degree in agricultural economics. I represent an agricultural State, and I knew I would need that help. She helped to fuel expectations, which we were then able to meet. It is with a lot of pride that I have been inducted into the Wyoming Agricultural Hall of Fame, largely because of her efforts.

Now, I would never forget those early days. As is true with all Senators, our first office consisted of one room. It was actually a storeroom for the credit union. That cramped space helped us to develop a strong sense of teamwork right from the start because we were all in the same room and everybody knew what everyone else was doing.

Now, fortunately, Katherine was there at the helm, and she helped to direct the efforts of my legislative staff right from the start. She was able to do so because she is a natural leader. She leads the best way, and that is by example. People on my staff know they can approach her with any ideas or suggestions they have, confident she will hear them out and help them with whatever issue areas they have been assigned.

Thanks to Katherine, we were able to accomplish a great deal during my first few years in the Senate. In more sessions than I could ever count, Katherine showed she was a great negotiator and an even better strategist. She is the best networker I have ever seen.

Her competitive spirit began to show itself in high school in her play on the basketball team. It then expanded in college, and then blossomed when she played professionally in Europe. You do not want to try to rebound an issue with her.

Then, when the opportunity came to chair the Senate Committee on Health, Education, Labor, and Pensions, once again, I knew I would need to put someone in charge of my committee staff who could handle the responsibility and the opportunity we would have to take action on some issues of great importance not only to the people of Wyoming but to the rest of America as well. Once again, it did not take very long for me to feel certain that Katherine was the perfect choice for the committee staff director position.

On the committee or on my personal staff, Katherine has proven herself time and time again, and over the years she has made a difference in my work on a long list of topics that have come to the Senate floor. It would be impossible to name them all.

I want to mention my first big bill, though. It was drafted to keep Washington bureaucrats from being successful in their determination to make methane gas into a solid, which, of course, would have taken away royalties from property owners and even forced them to pay back back-royalties. In my first year, in less than a month, the correction was passed by both the Senate and the House unanimously. That meant that Katherine, my team, and I had to talk to 535 Members in Congress in less than a month to get that result.

It was interesting later to watch the Supreme Court use that bill as a basis for back payments to these same people. We could not do anything to solve anything before the legislation was passed because you have to look to the future.

So that was our first big win, and, fortunately, more was to come, as Katherine headed up my team effort. I will just mention a few: the global HIV/AIDS law, the Sarbanes-Oxley Act, the new MINER law to protect miners of this country, the new Food and Drug Administration reform law, the Pension Protection Act, and a host of other successful bills that were signed into law. For every one of them, Katherine was always there putting in long and extended hours, providing clear, accurate leadership and advice and doing everything she could to make our team vision come true.

Whenever I get the chance, I like to tell people who ask about my staff that I was very fortunate to hire the people I did. In fact, I still think that if staff work was an Olympic event, my staff would win the gold medal—and Katherine would be the most valuable player.

Katherine was a natural fit for the captain of the team—a role she has played very well. She is proof of the wisdom of the old adage that a good captain makes everyone on the team better. Katherine has been such a good leader because she has always been willing to do what was necessary to ensure a successful outcome. She has an unusual amount of abilities and talents, and an overdose of persistence that has helped her to get things done. She has never been one to talk about what she would like to accomplish; she just takes action.

In the West, we like to say she rides hard. That has helped her to earn the respect and appreciation of not only my staff but all of the staffs she has worked with and developed close ties to over the years.

I have always believed in something called the 80 percent rule. I was not surprised to discover that Katherine understood my 80 percent rule so well because she had put it into practice long ago without even knowing the name. She knew that 80 percent of every issue can be brought to agreement. People usually are willing to accept 80 percent instead of nothing. It is the other 20 percent that is difficult to resolve. But by focusing on the 80 percent, impossible problems become possible and can be solved around here.

Katherine was also there to help support my vision to look for and find the third way in dealing with conflicts. Her philosophy has always been fashioned after the old adage: We will either find a way or make one. That attitude has always served to help her bring groups to the table to reach compromises that seemed unlikely at best.

Now Katherine has decided to leave the Hill to take on another challenge in her professional life. Katherine knows that life is an adventure, and constant change is a good thing. Now she will be moving to a new place to help spread our message.

As she leaves, I cannot thank her enough for all she has done for me and for Wyoming over the years. She has been a tireless worker, and she has never hesitated to roll up her sleeves and get to work whenever and wherever she was needed.

I remember one long evening on the Senate floor. During my speech, in thanking people at the end, I mentioned that Katherine was an excellent juggler, referring to her ability to handle many tasks at the same time. Her

daughter was watching on C–SPAN2 and said: I didn't even know Mom could juggle.

Being a legislative director and a staff director has cost her a lot of time from home. But she has been able to work her family life into her work schedule as the top priority that it needs to be. Now she will have more time to spend with her own team at home that needs her love and attention. Her husband David, along with her children Ellie and Cooper, have all been very supportive during her Senate years. She is now going to try something new, and once again her family will be there for her, supporting her, and providing the assistance she will continue to need as she pursues her new career.

It will be difficult to say goodbye to Katherine. When she leaves the Senate, she will be greatly missed. Someday soon, we will have found someone to take on the responsibilities that she leaves behind, but we will never be able to replace her. Her constant warm and genuine smile, her concern for all the people on her staff, and her unique ability to size up a political situation immediately upon contact—unmatched. She has been a tremendous addition to my personal and committee staffs, and we will miss her daily presence in our lives.

Like most offices, our staffs are more than our legislative teams, they are extended family. That will not change. She will forever be a member of the Enzi family—another daughter.

The Senate is a place to work unlike any other in the world. It welcomes only those with special skills and unique abilities and provides them with a tremendous opportunity to make this great Nation of ours a better place in which to live.

In the end, that will be Katherine's legacy after 17 years of service in the Senate. On my staff, and before that, serving with Senator Al Simpson and Senator RICHARD LUGAR, she has made the most of every opportunity she was given, and she can be proud of the record of success she has compiled over the years in every area of her life.

We know from the Bible that we chart our course in life in our hearts, but God directs our steps. God has directed these new steps in Katherine's life, and I know she will continue to make the most of every step that God moves her to take.

Good luck and God bless you and your family, Katherine. Don't forget us. We will not forget you. In fact, we are going to leave a light burning in a window of the Capitol dome so you can always find your way back home. Thanks for your years of service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, if I could make one comment. I have known Katherine for a long time. She is one of the truly great staffers on Capitol Hill.

I want you to know how much all of us have appreciated the work you do, and with this great Senator you have been working for. I appreciate it.

Mr. President, the distinguished Senator from North Dakota has asked that I yield for a unanimous consent request, and then I would like to retain the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I thank the Senator from Utah. My understanding is the Senator from Utah will speak and the Senator from Rhode Island will be recognized. We will reconvene at 2:15 following the caucus. So I ask unanimous consent that I be recognized at 2:15 for 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Utah is recognized.

TRIBUTE TO PATRICIA KNIGHT

Mr. HATCH. Mr. President, I may need a little more than 10 minutes because this is an important speech for me.

I am grateful for the opportunity today to pay tribute to a wonderful woman, dedicated public servant, health policy expert and my chief of staff, Patricia Knight, or as many know her in the Senate—Trisha.

We were all sad to learn last week that, after over 34 years of public service, Trisha has decided to leave the Senate family at the end of the year, which in the arcane ways of the Senate could be any number of days between now and December 31. In fact, had I been able to convince her to stay until January 7, we would have been able to celebrate with her the 34th anniversary of her first job on Capitol Hill.

Trisha was born here in the District and grew up in Arlington. She progressed through Jamestown Elementary School, Williamsburg Junior High School and Yorktown High School. We like to kid her about the fact that this is the pathway that launched CBS newswoman Katie Couric.

When I first approached Trish about being my chief of staff, she quickly pointed out that she was not from Utah. However, always thinking on her feet, she rapidly concluded that graduating from Syracuse University, or Syracuse U, was close enough to 4 years in Syracuse Utah! And that became her story.

I might add that she graduated magna cum laude from Syracuse University, where she majored in anthropology and photojournalism, which makes her in my mind uniquely qualified to work in this body.

Trisha never intended to work on Capitol Hill. She is the daughter of a pair of Washington journalists, both deceased. But, I know they are watching over her and are very proud of what she has accomplished.

She always reminds the young people who come to work in my office that she got her first Federal job by walking up and down Constitution Avenue passing out resumes and the old Civil Service form SF–171.

She was initially hired as a temporary typist at the U.S. Department of Commerce, which it turned out was a lucky career start, because she found out later she had flunked the typing test but they hired her anyway.

That became her launching pad for work in the office of our former colleague, and then House member, Senator Jim Broyhill of North Carolina, the ranking Republican on the Energy and Commerce Committee.

He trained her well. She moved from caseworker, to legislative correspondent, to legislative assistant. I would like to say it was a meteoric rise—but in those days the average Hill staffer stayed more than 2 years. Trisha was there for almost 8 years—day, night, and many weekends.

I knew she would be a real asset to my staff because of her considerable government experience.

Before coming to the U.S. Senate, Trisha served in the executive branch for Presidents Ronald Reagan and George H. W. Bush. It is interesting that she worked at two cabinet agencies twice—the Commerce Department and Health and Human Services. The Cabinet secretaries she served include Richard Schweiker, Margaret Heckler, Otis Bowen, M.D., Lou Sullivan, M.D., and Bob Mosbacher.

Trisha is perhaps best known for her work at HHS—she served twice as a deputy assistant secretary at the Department of Health and Human Services and is considered by many as one of the top health policy experts in Washington, D.C. In that job, she was a line officer in the Public Health Service, as well as a staffer for the Secretary, and she worked for some of my favorite people—Dr. Ron Docksai, Dr. Bob Windom, and Dr. James O. Mason.

In addition to her work for Senator Broyhill when he served in the House, she has also served on the staff of the House Appropriations Committee, where she was minority clerk for the legendary Silvio Conte of Massachusetts on three appropriations bills: Commerce-State-Justice; Legislative Branch; and Foreign Operations.

I felt very fortunate when Trisha agreed to work in my office as a volunteer after the defeat of President George H.W. Bush. In fact, I tried to hire her the first week, but she flippantly informed me I didn't have the budget to do it.

A few months later, I found that money, and she joined my health staff, rising quickly to become my health policy director.

She is one of the shrewdest, smartest, most effective legislative minds in the Senate. She deeply understands the legislative process and has cultivated relationships with health policy experts throughout this country and

around the world. She truly knows everyone and the proper way to get things done, on health care, and a whole range of issues. She has a rare combination of policy expertise and legislative know-how. In other words, she not only knows what to do, she knows how to make it happen. Those are rare qualities anywhere; certainly around here.

She is very proud of her work in Senate infrastructure development, including her active membership in the Senate Chief of Staff organization and its executive committee. She has been a real leader in that organization. She has worked hard to be a capable administrator and manager and to help develop our staff and our institutional knowledge.

She also takes pride in the young people whose careers she has helped launch on Capitol Hill. I often hear her tell young legislative staff—in the words of her good friend and mentor, Don Hirsch: ''Read the bill,'' as only she can say. I am a poor substitute.

The legislation she has worked on is really among the most important in my service on Capitol Hill. Trisha was by my side when we finally persuaded Congressman WAXMAN, Congressman DINGELL, and Senator KENNEDY to allow the Dietary Supplement Health and Education Act to go through. The Governor of New Mexico, now running for President on the Democratic side, was my prime cosponsor on that bill.

It was a journey of several years. It was a legislative campaign that has served as the model for many pieces of legislation since. And, I might add, it was the only major health bill to be enacted in 1994, the year of President Clinton's Health Security Act.

She was by my side in 1997, when Senator KENNEDY and I worked with Senators Chafee and ROCKEFELLER to enact the CHIP legislation in a record 144 days. People know how important that bill is. Virtually everybody in our society today recognizes the importance of the CHIP legislation. I know she had hoped to stay on and see the reauthorization finished this year, but we will do all we can to get it done next year. She has played a pivotal and extremely important role in that remarkable landmark legislation.

She has had an influential role in development of so many other pieces of law—reforming the Food and Drug export laws, allowing medical volunteers at Community Health Centers to be covered under the Federal Tort Claims Act, so many of the budget reconciliation bills, including the landmark Medicare Modernization Act, all of the major FDA bills we have considered in the past 2 decades, including the Prescription Drug User Fee Acts and the Medical Device User Fee Acts. That is only mentioning a few of the bills and mainly in the health care area—not counting all of the other areas where she has played a pivotal and very important role. She also served on the Judiciary Committee, where she worked on nominations, patents and controlled substances issues, among many, many others.

This week, as she is delighted to note, she assisted in seeing the first bill she drafted pass unamended—legislation to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development. I think most people who really know, knew how close I am to Sargent and Eunice Kennedy Shriver and how much I love Eunice Kennedy Shriver. This woman has given so much to our country. Frankly, she is one terrific human being, as was her husband when he worked in so many positions in the Federal Government.

This was a bill that Trish drafted, helped to push through, along with myself, and I am really pleased that Eunice Kennedy Shriver will be memorialized. It is something she always took credit in—the National Institue of Child Health and Human Development. She has worked with children all over the world and deserves that distinguished honor.

The list on and on. There are some that have not become law yet—and I know she regrets that—but I think we may still see the Knight agenda enacted. Two of these are allowing vitamins to be purchased with food stamps—a commonsense measure for good nutrition, and even more importantly, allowing FDA approval of biosimilars, my high priority.

Trish spearheaded for me the Kennedy-Hatch Biologics Price Competition and Innovation Act of 2007, reported earlier this year by the HELP Committee.

Trisha also is a walking rolodex. She knows everyone—including just about every health policy expert in the country. When she made her announcement on Friday, a flurry of e-mails came into the office. I would like to share just a few of them which I think you will enjoy, and which show her true character.

One of my former staff directors for the Senate Labor Committee noted in response to her announcement:

> I can't believe you plan to hang up your whip. Ringmasters occasionally take breaks, but that doesn't mean they quit the circus. Senator Hatch thinks the world of you, as do we all. Whatever your final decision, I hope it keeps you in public affairs.

One of Senator KENNEDY's former staff directors said,

> The planets are realigning. The tectonic plates of the earth are shifting. The sea is parting. The world will never be the same again.

Those Kennedy staffers always do go in for the hyperbole, don't they? That is why they are so successful.

A leadership staffer noted:

> It truly will be a loss to the whole Senate.

A Utah mayor and CEO told Patricia:

> I cannot tell you how much we have appreciated your help. You will be sorely missed. Your ability to make a difference on Capitol Hill is evident. You have been a great friend and ally. Your work ethic is unmatched by anyone I have seen on the Hill. When you combine that with your knowledge of key areas like HHS issues, you have been a very effective government operative.

A Utah political leader noted:

> Trisha is the brightest political strategist I have known in all my years in politics. She has the ability to put together a long-term strategy to deal with a crisis before the crisis occurs. Her perspective and insight into issues is unsurpassed.

And one last example, a former Robert Wood Johnson fellow in my office noted:

> You know, you were singlehandedly responsible for my whole perspective change on the reality of government and its operation . . . The amount of information you have in your mind, from your experiences, and all that you have done for others, is staggering.
>
> You will always be a close and dear friend and my life/career has been better for knowing you in that role. No matter where you find yourself, my admiration and respect will only grow. While I was there (and since), you made sure that I had a life changing experience and got to see and hear it all.

People on the ''outside'' who deal with many, many congressional staff, hold Trisha in the highest regard—for her expertise, her masterful strategic thinking, and for her straightforwardness, scrupulous honesty and sense of fair play. But more importantly, they genuinely like her because she is, above all, a wonderful, generous person.

Over the years, Trisha has spent weeks traveling through Utah, meeting with county and city officials and getting a good feel for the issues and challenges Utahns are facing throughout our State. She has made it a point to get to know our great State and know it well. She brought to that task all she had learned in her government career, an experience that undoubtedly helped our State in innumerable ways. In fact, when he heard she was leaving, our House colleague, Representative CHRIS CANNON, said:

> It is the State's great loss.

Trisha has the love and respect of everyone in the Senate, in Utah and those whose lives she has touched.

I will always appreciate her wise counsel and deep commitment to me, to my staff and to the citizens of Utah. Her sense of humor has defused many a tense time.

Trisha has been my right hand for many, many years—indeed, she is my longest-serving chief of staff and I will miss her greatly. In fact, one wag blogged upon hearing this news in the Salt Lake Tribune—I hope when she leaves she'll take HATCH with her. I thought that was a little coarse myself.

I ask unanimous consent that these articles be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Dec. 15, 2007]

HATCH'S ''RIGHT HAND'' TO LEAVE BY YEAR'S END

(By Robert Gehrke)

Sen. Orrin Hatch's longtime chief of staff and policy adviser on health issues, Patricia Knight, will leave the senator's office before the end of the year, she said Friday.

Knight said she is leaving before a new law kicks in on Jan. 1, 2008, restricting congressional staffers from lobbying the chamber where they worked for two years. There is a one-year restriction in place now.

''It was extremely tough for me, but in the end I felt like I owed it to myself for my future development to not be limited,'' she said. ''That's the only reason I'm doing it now. I love the job and Senator Hatch and working for the people of Utah.''

Knight told the senator of her decision Thursday evening, she said, and Hatch announced her imminent departure during a staff meeting Friday morning.

''Trish has a reputation as one of the best senior legislative staff members of Capitol Hill. But those who know her well realize that she is the best on the Hill,'' Hatch said in a statement. ''She's been my right arm for years and done more for the people of Utah and for this country than I think anyone will ever realize.''

Hatch promoted Jace Johnson, his legislative director, to take over as chief of staff. Johnson, a graduate of Brigham Young University, has been with the senator for several years, working on issues including transportation, trade, welfare and telecommunications.

Knight was something of a character among the Senate chiefs of staff. She would do needlepoint during meetings, enjoys Neil Young concerts and has a dry, barbed sense of humor. She likes to garden, spend time at the beach and take care of her dogs, Frank and Maxie.

Knight came to work for Hatch the day after President Clinton took office in January 1993, volunteering her services temporarily after being forced out of her post as a deputy assistant secretary at the Department of Health and Human Services with the change in administrations.

She was hired full-time and worked on Hatch's key health care legislation, including helping to write the 1994 dietary supplement legislation and the first State Children's Health Insurance Program in 1997.

She has been Hatch's chief of staff since 1999, but remained active in health policy, recently helping to negotiate legislation regarding the Food and Drug Administration's regulation of biologic treatments—things like gene therapies, blood and tissue treatments and vaccines.

[From the Desert Morning News, Dec. 15, 2007]

HATCH'S CHIEF OF STAFF STEPPING DOWN

(By Suzanne Struglinski)

WASHINGTON.—Patricia Knight, chief of staff for Sen. Orrin Hatch, R-Utah, will leave government service at the end of the year, she told the senator Thursday. Knight started as a volunteer in Hatch's office in 1993, a status that lasted only a few months before she started working on health-care policy. She has been his chief of staff since 1999 but has worked for the federal government since 1973.

''We will miss Trish terribly,'' Hatch said in a statement. ''I know that this is the right time for her, after 34 years serving our country, and I know she will be successful as she moves her career to the private sector.''

Hatch said she has been his ''right arm for many years'' and that the Virginia native ''has done more for the people of Utah and for this country than I think anyone will ever realize.''

Knight disagreed with the phrase that she is retiring as she wants to do government consulting or some related work.

She based her decision to leave on the pending enactment of a new law that would bar her as a former Senate staffer from lobbying other Senate offices for a full year. Under current law, she would only be banned from lobbying Hatch's office for a year.

Knight feels the new law, designed to stop the so-called revolving door between congressional offices and lobbying shops, is a little unfair. She said it would limit her from talking to senators and their staff members whom she does not now know.

''It's not like I have a big influence with people I haven't met,'' Knight said.

Knight said she will miss Hatch's office and working with the people of the state.

''It's going to be different,'' she said. ''I'll be coming at things from a different perspective.''

Jace Johnson, Hatch's current legislative director, will become chief of staff, Hatch said.

Johnson and Knight have worked together on issues for several years and ''he is well prepared to serve the people of Utah and the country,'' Hatch said.

''Trish has a reputation as one of the best senior legislative staff members on Capitol Hill. But those who know her well realize that she is the best on the Hill,'' Hatch said.

Mr. HATCH. I will always be extremely grateful for the service she has rendered. But more than that, she is a dear friend who could always be counted on to tell me the truth. That was really important to me and has always been.

Mr. President, I have been blessed to have superb staff in my 31 years here in the Senate. The devotion staff have to the institution of the Senate is understandable—we are all privileged to serve an institution that embodies the liberty and deliberation among free people that the Senate represents.

But the devotion of staff to a Member is, for me, quite humbling. For 15 years, Trisha Knight has given me and the Senate her expertise, her knowledge, and her advice.

I have been able to rely on her, literally, 24 hours a day during these 15 years. I have depended on her to help me pass landmark legislation, and surmount difficult challenges. I have relied on her advice—even when she felt obliged to tell me what I didn't want to hear.

I have relied, without exception, on her integrity, and I am grateful for every day I have had the pleasure of her good character.

We will all miss Trisha, but I suspect we will be seeing a lot of her in the future. We do have a saying: ''Once a Hatch staffer, always a Hatch staffer,'' and we will expect her to adhere to that rule. And all the other applicable rules and laws, I hasten to add.

So, as the first session of the 110th Congress draws to a close, I hope my colleagues will join me in expressing appreciation for Patricia Knight for her loyalty, her service, her counsel, her sacrifice, and her commitment to good policy.

Let me say I have worked with some wonderful people in my days. I have had some terrific people help me. I have had people who have been loyal, decent, honorable, kind, honest people who have set examples around here and, frankly, every one of them has become a very good friend.

In particular, I love Trisha Knight. I believe she has more than given her best to the Senate, the Congress, and to the Government of the United States of America. I care for her, and I hope she will continue to stay in touch with me and with others in our office because we are going to need her help. We are going to need her advice from time to time. I hope she will always be there for us. I wish Trisha the very best in whatever she chooses to do next. I pray for her continued good health, success, happiness, love, and joy. She is a great one. I have been very privileged to have her with me.

I yield the floor.

Mr. ENZI. Mr. President, I rise today to recognize Patricia Knight who is retiring next week after 10 years as Senator HATCH's Chief of Staff and 15 years playing a central role in health policy here in the Senate.

Although, I am sure Senator HATCH will describe her role in his office, and her work on Judiciary Committee and Finance Committee issues, I wanted to rise and acknowledge her contribution to health care policy. For the last 15 years, Ms. Knight has been a constant advocate for improving the health care system. She has played an important role in every piece of device, drug, and supplement legislation that has been enacted. She has not just overseen this development, but participated. My staff and I have enjoyed working with her, as she has made it very clear that she enjoys getting bills enacted.

In the last 3 years as chairman and now ranking member of the HELP Committee, Ms. Knight has worked with my staff on all of the bioterrorism legislation, the biosimilar legislation, and the recently enacted FDA Reform Act. While being Senator HATCH's Chief of Staff, Trish worked tirelessly as she felt that this was important legislation that needed to be done correctly. She helped organize Republican and bipartisan briefings, helped draft and revise language, and encouraged everyone late into the night.

Throughout her interactions she has been a pleasure to work with kind words and funny nicknames for all. I thank her for her service and wish her the best of luck in her future endeavors. Surely, the Senate will miss her.

Mr. HARKIN. Mr. President, the end of this year brings the loss of one of this body's most talented, dedicated, and accomplished staff members. Patricia Knight, Senator HATCH's longtime chief of staff, is retiring after three decades of distinguished public service to the Senate, House of Representatives, and the Department of Health and Human Services.

I have had the pleasure of working with and knowing Ms. Knight for at

least 13 years. My work with her began when ORRIN HATCH and I teamed up in 1994 to pass the landmark Dietary Supplement Health and Education Act, DSHEA. That legislation, which assured continued consumer access to and better research into dietary supplements, is a testament to Trisha's mastery of health care issues, her commitment to legislating across party lines, and her sharp attention to detail. Truly, without her, there would be no DSHEA today.

For the past nearly 30 years, Trisha Knight has been in the middle of almost every major piece of health legislation enacted into law. From DSHEA to the Children's Health Insurance Program, from the Medicare prescription drug legislation to the FDA Modernization Act, her stamp is on a host of major laws that will endure for many years to come.

Mr. President, the American people owe a debt of gratitude to Patricia Knight. While most may not know her, they know and appreciate the public policies she has helped create. She has worked day and night for many years of public service. And all the while she carried with her a passion for public policy, an unflagging dedication to her bosses and great, sharp wit.

I wish Trisha all the best as she moves on and tip my hat to her for a job well done. She will be missed.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

DEDICATING A NEW HAMPSHIRE POST OFFICE IN HONOR OF CAPTAIN JONATHAN D. GRASSBAUGH

Mr. SUNUNU. Mr. President, I will speak as in morning business. I thank Senator REED for giving me the opportunity to speak briefly before his remarks in support of legislation that I do hope the Senate will act on today; that is, legislation to dedicate the post office in East Hampton, NH, in honor of Army Ranger CPT Jonathan Grassbaugh, who was killed in action on April 7 this year in Iraq.

Mr. President, on behalf of Hampstead, New Hampshire middle school students, school board officials, board of selectmen, and residents, I rise to honor a fallen hero, United States Army Ranger Captain Jonathan David Grassbaugh, by introducing a bill to designate the United States Postal Service facility at 59 Colby Corner in East Hampstead, NH, as the ''Captain Jonathan D. Grassbaugh Post Office.''

Jon, as he was called by his family and friends, moved to East Hampstead, NH, from St. Marys, OH, in 1989. He attended Hampstead Central Elementary School and Hampstead Middle School where his mother, Patricia, is principal.

Jon graduated high school from Phillips Exeter Academy, in Exeter, New Hampshire, where he was a four-year honor student in the Class of 1999. Jon left a remarkable impression on the Phillips Exeter community; remembered for his manifestation of the motto ''Non Sibi'' or ''Not for Oneself,'' a Latin phrase inscribed on the Academy's seal. Jon exemplified his passion for life through his persistent dedication to his studies, tireless volunteer efforts in school and the local community, and commitment to the Academy's radio station, Grainger Observatory, and the school's Washington Internship Program.

Jon's illustrious high school years were prologue to a promising future, full of infinite potential. Jon enrolled at Johns Hopkins University where he graduated in 2003, earning a bachelor's degree in computer science from the renowned Whiting School of Engineering.

At a young age, Jon's family instilled in him the importance of volunteerism and service to the United States. Jon's father, Mark proudly served three and a half years as an Army Ranger during Vietnam, and his older brother, West Point Alum and Dartmouth Medical School graduate, Army Captain Dr. Jason Grassbaugh, is currently serving as an orthopedic surgeon in Fort Lewis, WA. Jon continued this family tradition of service, joining the Johns Hopkins Army ROTC Program, and eventually becoming battalion commander his senior year. He also became a proud member of the Pershing Rifles fraternal organization, captained the Ranger Challenge Team, and won the national two-man duet drill team competition.

In a storybook setting, Jon met Jenna Parkinson, a freshman ROTC cadet from Boxborough, MA, during his senior year. Jon and Jenna slowly grew closer, watching movies together during spring break, sharing flights to and from school, and attending the military ball. A few short years later, Jon proposed to Jenna on April 30, 2005, and the young couple subsequently married on June 9, 2006, in a Cape Cod ceremony. Prior to their wedding day, Jon and Jenna filled out a questionnaire for their officiate which asked, ''Where is a sacred spot, a place where you feel most connected, most at peace and most inspired?'' Jon's answer came in three loving words: ''With my wife.''

Following graduation, Jon completed U.S. Army Ranger School in April 2004 and served his country both at home and abroad. He was assigned to the 7th Cavalry in The Republic of South Korea and served as a member of the Army Hurricane Katrina Relief Team. Later, Jon was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division in Fort Bragg, NC, where he and the now U.S. Army 2nd Lieutenant Jenna Grassbaugh would reside.

Shortly after Jon and Jenna were married, he was deployed for a second tour of duty in Iraq. Tragically, on April 7, 2007, Jon was one of four soldiers who died while conducting a combat logistics patrol in Zaganiyah, Iraq. Throughout Jon's distinguished military service, he received a number of accolades and commendations, including: the Bronze Star Medal, Purple Heart Medal, Meritorious Service Medal, Army Commendation Medal, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, Ranger Tab, Combat Action Badge, and Parachutist Badge.

Jon is remembered as a confident and mentally strong leader, whose poise under pressure, intelligence, compassion, and love for God, country and family transcends his passing. His valor on the field of battle was equally as impressive as his undying loyalty to and love for his squadron. One well-known anecdote recalls a combat operation in which Jon had pizza flown by helicopter from 100 kilometers away to where his troops were conducting combat operations in an effort to lift morale. Jon left a legacy that continues to inspire our Nation's future leaders from Hampstead and Exeter, New Hampshire, Johns Hopkins, and those he proudly served beside in Iraq.

On a deep and personal note, for those who had the sincere privilege and honor to meet Jon, it was evident his exuberance for life and new experiences, ingenuity, and academic acumen destined him for greatness. By the time of his death, Jon had achieved more than most individuals do in a lifetime, a testimonial to his family's love and guidance through his young life, and Jenna's warmth and support as he fought for our Nation.

Today, Jonathan Grassbaugh rests in peace at one of our Nation's most hallowed and sacred grounds, Arlington National Cemetery—his rightful place among generations of brave Americans who sacrificed their lives in defense of this country. His loved ones will forever remember him as a loving husband, son, brother, and friend. Let it be known, the citizens of New Hampshire and our Nation are eternally in debt to Jonathan David Grassbaugh, an honorable son of New Hampshire, an American Patriot, and a guardian of liberty.

Mr. President, I ask unanimous consent that a copy of the Hampstead, NH, Board of Selectmen's letter of support to dedicate the East Hampstead, NH, Post Office, as the ''Captain Jonathan D. Grassbaugh Post Office'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 12, 2007.

Re Petition of dedication.

DEAR SENATOR SUNUNU: Students of the Hampstead Middle School prepared a petition to support honoring Captain Jonathan Grassbaugh, who gave his life for our country. the petition seeks to honor him by dedicating the East Hampstead, NH, 03826 Post Office in his name.

The petition was presented to the Hampstead Board of Selectmen on Monday, December 10, 2007.

The Board of Selectmen accepted the petition and voted unanimously to support the project.

Please find enclosed the petition along with the signatures of 526 individuals.

Thank you for your help in moving this project forward.

Very Truly Yours,

RICHARD H. HARTUNG,
Chairman.
PRISCILLA R. LINDQUIST,
Selectman.
JIM STEWART,
Selectman.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent that the recess be delayed until I complete my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REED. Mr. President, I ask unanimous consent that the order with respect to Senator DORGAN be changed to provide that if Senator DOLE is here at 2:15 p.m., she be recognized for up to 5 minutes and then Senator DORGAN be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. REED. Mr. President, I rise today to discuss the state of our economy. Regrettably, the news is not good. Two weeks ago, the Mortgage Bankers Association reported that the rate of home foreclosures and the percentage of loans in foreclosure is at the highest level ever recorded by this organization. At the same time, surveys by the University of Michigan and the Conference Board showed consumer confidence at the lowest levels in many years. The financial troubles that began with the subprime mortgage crisis last summer have now spread to all credit markets and created a liquidity crunch that threatens our entire economy.

Some say these troubles are merely temporary. In fact, some say there are two economies—the real economy, with people getting up and going to work, and the economy of Wall Street, which is financial engineering and all sorts of incredibly exotic financial products. The reality is these markets intersect. As a result, our whole economy is threatened now by forces that may be temporary, but they are working themselves out in a very difficult way for the people of this country, the men and women we represent, our constituents.

Some contend that the market has undergone a correction since the end of cheap credit and speculation in the housing sector. They point to job figures and quarterly GDP growth as indications that the overall economy, the real economy, is strong.

Frankly, I think we have to look critically at those assertions. What troubles me more than the numbers—the GDP and all the other financial statistics—is what I am hearing from Rhode Islanders and what I presume my colleagues are hearing from their constituents across the country. The mortgage crisis and credit crunch in many ways represents a culmination of their fears and sort of the tangible acknowledgement of what they have been fearful of for many months. Lately, I have been struck by how many people are finding it increasingly difficult to maintain a decent standard of living, despite having a steady job. People tell me they feel squeezed by the rising costs of energy, food, health care, and higher education, while at the same time the size of their paychecks does not seem to be expanding at all.

For thousand of families in Rhode Island and millions of people across America, wage stagnation has created a general feeling of anxiety. Instead of trying to get ahead, most people are finding it hard to get by. The subprime meltdown and subsequent credit crunch are adding additional stress to that equation. For some people, it has pushed them to the brink of personal and financial crisis.

Today, we are living in an era of divided prosperity, where a few do extremely well—extraordinarily well—and the rest of us are struggling to keep up. The Bush administration has aided and accelerated this trend of growing inequality, and its lax attitude toward regulation has allowed major economic liabilities to develop unchecked, allegedly for the sake of allowing the market to function ''efficiently.''

The latest crises show markets are not always efficient, nor always equitable, and rampant speculation in the absence of oversight can create problems that cannot be quickly assessed or fixed. This President has perpetuated a system that encourages a fortunate few to collect as much of the benefits of our economy as possible, while sharing very little with the rest of society.

At the same time, what we have seen developing are enormous blind spots that have begun to reveal themselves with disturbing frequency. The tragedies of Katrina and the collapse of the bridge in Minneapolis, as well as the subprime crisis, and even our policies in Iraq are all evidence of the administration's consistent failure to plan for long-term liabilities. Moreover, this shortsighted focus is reflected in massive trade and budget deficits and the absence of any comprehensive plan to address our addiction to foreign oil or the skyrocketing cost of health care. These are creating real challenges for our country.

This year, the new majority in Congress has tried to set a different course, but, unfortunately, we have not had the cooperation or support of the President in any real sense of the word. As a result, we have made some progress in addressing and correcting these issues but not nearly enough. In order to end the Bush era of divided prosperity, which some people speak of as two Americas, we have to, I think, reengage ourselves in a process of making sure America is competitive in the global economy and that it has sustainable policies that lead to true growth, which is shared by all Americans. We must reprioritize and take a more serious approach to the policy challenges at hand.

Since World War II, every period of economic expansion has resulted in shared prosperity for most America. To be sure, growth varied by degrees over time and from place to place, but in general the tradition in America has been that a rising tide will lift up all boats. Yet for the past 6 years, under the Bush administration, this tradition of shared prosperity has not been sustained.

In my State, the Poverty Institute of Rhode Island announced last month that our median wage actually declined since 2000, which makes Rhode Island the only State in New England to experience negative wage growth during this period. With stagnation in most places, we have actually seen negative growth. Since President Bush took office, the real national median household income has declined by $962, from $49,163 in 2000, to $48,201 in 2006. In fact, between the first quarter of 2001 and the third quarter of 2007, real median weekly earnings fell 1.2 percent, compared to 7.1 percent growth between 1996 and 2000 under the Clinton administration. We have seen a startling change in the economy affecting the families of America, whose incomes grew from 1996 to 2000 and have declined in real terms since then, and that reality is shaping the lives of millions of Americans.

While the President's economic policy has yielded extraordinary gains at the very top of the income scale, his fiscal policy has multiplied differences and exacerbated the disparity between the very wealthy and, frankly, most everyone else.

According to data recently published by the Congressional Budget Office, in 2005, real after-tax incomes jumped by an average of nearly $180,000 for the top 1 percent of households, while rising only $400 for middle-income households, and $200 for lower income households, which signifies an extraordinary divergence in terms of the wealth of the very few versus everyone else. That average income gain for the top 1 percent is more than three times the total income of the average middle-income household.

Taken together with prior research, this new data indicates that income is now more concentrated at the top of the income scale than at any time since 1929. I grew up in an era where we looked to the history of the lives of our parents who endured a depression

in which the economy collapsed, and then through the policies of this Federal Government and State government, we saw a rising tide literally lift up every family in America. We saw a more equal distribution of wealth. In fact, many people prospered. Now we are seeing a reconcentration of wealth that has great consequences not only for our economy, but for our society.

We pride ourselves as Americans on having a country where anyone can rise to the top, where opportunity will propel you forward, take the chances that are available to you. But what we are seeing in other economic studies is, frankly, today we can predict the success of a child based on the income of the parent more than we could 20, 30, and 40 years ago. If your parents are wealthy, you are likely to stay wealthy. That was not the case 20, 30, and 40 years ago.

In his new book ''The Squandering of America,'' the economist Robert Kuttner writes:

Between 2000 and 2006, the productivity of American workers increased by 19 percent. But the total increases in wages paid to all 124 million non-supervisory workers—

These are the blue-collar workers who come in every day, punch in, work hard, go home, and take care of their families.

—was less than $200 million in 6 years—a raise of $1.60 per worker—not $1.60 per hour, but a grand total of one dollar and sixty cents in higher wages per worker over nearly six years . . . Compare this $200 million total for all nonsupervisory workers to the nearly $38 billion paid in bonuses alone by the top Wall Street firms during the same period.

That is $38 billion to those people who are extremely successful on Wall Street versus $200 million for every nonsupervisory worker in the country.

Since 1997, the pay of CEOs of large corporations has increased to an average of $10.5 billion per year, or about 369 times the average wages of a worker and 821 times the average wage of a minimum wage worker. Such facts make it clear that most Americans are working harder and more productively.

Yet these facts go against what many of us were taught in school about the tenets of economics. I am referring to the basic idea that as the economy becomes more productive, those productivity gains are shared, and as a result workers get more in their paychecks. That is not happening. It is not happening as it should.

Let me give another example. According to ''Alpha'' magazine and the New York Times, in 2006, the top 25 hedge fund managers combined earned $14 billion. That is enough to pay New York City's 80,000 public schoolteachers for nearly 3 years. Ask yourself: As a matter of social worth and value, should 80,000 public schoolteachers be paid for 3 years with what 25 individuals have earned?

I understand there is a risk premium for the pay that these financial managers earn. They are not only talented, dedicated people, but they are also going in there and taking chances and rolling the dice and creating innovation, entrepreneurship, and opportunities for others. But still I must ask: Is this distribution of wealth and reward commensurate with all the efforts of those teachers, men and women in urban school districts who are laboring to give kids a chance so they can seize opportunities? As Americans, we have to stop and ask ourselves why is this happening. Is there something we can and must do to make this country a little bit fairer?

Even some billionaires are concerned about this. Warren Buffett has criticized the U.S. tax system for allowing him to pay a lower rate than his secretary. Mr. Buffett paid 17.7 percent on the $46 million he made last year. He did not try to avoid paying higher taxes, he simply took the advantages that were in the tax code to which he—indeed, to which each of us—is entitled. Meanwhile his secretary, who earns $60,000, was taxed at 30 percent.

If you consider these inequities, these differences, it is hard to understand why the President is so adamant about protecting the tax rates for the top 1 percent of earners. The consequence of this is that we also have fiscal complications. We have the most rapid deterioration of our Nation's fiscal health in the history of this country. In this administration, we have swung from a projected surplus to a projected deficit dramatically.

When the President took office, we had a surplus. Yet he has run a budget deficit every year for the past 6 years. Over that period of time, Bush's deficit spending has increased our national debt to nearly $9 trillion, which is virtually $30,000 for every man, woman, and child in America. He has pushed this country into record levels of debt to finance tax cuts for individuals who, frankly, are earning at a level at which they do not need additional tax cuts.

Not only does it give more to those who already have a great deal, it also starves the Government from funds to use for investing in the future productivity and prosperity of this country.

The only areas where the President has consistently supported more money have been for his tax cuts and for unlimited spending on his policy in Iraq. With these items, there is no limit to what he will accept. A recent report released by the Joint Economic Committee estimates that the total economic cost of the war in Iraq has been approximately double the direct budgetary costs. We have been spending billions, but the costs are much more than that. As we look to a drawdown of our troops going forward, the JEC estimates that the total economic cost of the war will reach $2.8 trillion for the entire 2003-to-2007 period, when you factor in veterans health care, the cost of equipping and replacing the materiel we have consumed in this war, and the reinvestments we will need to make in our military. It is a huge amount of money.

We are spending $10 billion per month on Iraq. Just 2 months of the cost of that war is roughly the same amount that was at issue between the President and the Congress in our debate about the budget this year. The President refused to spend $22 billion more than his limit on domestic spending, but in 2 months, we will consume at least that much in Iraq without any revenue offsets, without any qualms, and without any additional considerations. Unconditional spending was the message he sent to us last evening when he demanded that this Congress send him money for Iraq.

The President's policy seems to be not guns and butter but guns and caviar—money for Iraq, money for Afghanistan without limit, without end, it appears, and benefits through the tax system for the very wealthiest Americans, not the rich, but the super-rich.

This year, the Government is effectively spending $49 billion to provide tax breaks averaging $130,000 for those with incomes greater than $1 million. And we are seeing the impact throughout this country. We particularly see it as we go back to what has to be, I believe, the reference point for what we all do, and that is, what is happening to families across this country.

In Rhode Island, the cost of health care premiums is rising twice as fast as wages and inflation. Premiums in Rhode Island increased 67 percent between 2001 and 2006. Wages did not increase that fast, I can tell you that. The number of people without insurance increased 50 percent in that same period. They cannot afford to pay for the cost of insurance.

Gas prices have more than doubled in Rhode Island. The price of regular gas has jumped 95 percent from $1.52 when President Bush took office to about $2.97 in June of 2007. People are spending more and more money on getting to work, getting the kids to the Little League games.

College education costs are rising in Rhode Island and across the country. Average tuition fees in Rhode Island have increased 6 percent for our 4-year public colleges and 5 percent for our private colleges.

At the same time, the value of a home has been decreasing, and people are beginning to sense that decrease. A home used to be the great source of economic security, economic wealth, economic flexibility, and a hedge against the uncertainty of the economy, but now we are seeing in Rhode Island, and indeed across America, an explosion in foreclosures.

And we can also factor in the uncertainty of pensions. The fact is that more and more of my constituents are being pushed from a defined benefit to a defined contribution plan or in some cases to no pension at all. The erosion of traditional pensions is adding to this uncertainty.

The net effect of all of this is that many Rhode Islanders are working longer hours but are barely able to maintain the same standard of living.

What we have to do is respond to these issues. We have taken some

steps. We have passed, in terms of education, the College Cost Reduction Act. This $20 billion increase in student aid is the result of this Democratic Congress and our priorities, but we have to do much more.

We have moved forward with respect to some issues on housing, but progress has come much too late and is still too little. We finally cleared the Federal Housing Administration Modernization Act, the FHA Act, which is going to increase the amount of loans the FHA can guarantee. That is going to get them back into the lending business. But this action has come months after we should have moved more promptly, more efficiently, more effectively to do that.

We have to respond to this growing crisis now in terms of foreclosures. Secretary Paulson announced his plans recently and I think the plans are important because at least they signal some action. However, I suspect they are probably inadequate for the scope of the problem that is developing. We have legislation that is pending that has to be moved that I think will be much more effective going forward.

On energy, this week, the President is signing an energy bill which is long overdue. It increases gas mileage, or CAFE, standards. But we have to do more there, too. The tax provisions which are so essential, I think, to ensuring that there are incentives for alternate fuels, incentives in the marketplace so investors will put in money with the confidence that they will be repaid, those tax incentives are still languishing. They have to be passed. Again, we have made progress, but it has not been adequate progress to date.

We have to deal with the broader sense of our dependency on oil. Again, this energy bill is a very good step forward. It has to be supported. It has to be advanced. It has to be extended.

When we look at the economy from the standpoint not of the macroeconomic statistics of gross domestic product, when we look at the economy not simply in the context of financial markets, when we look at the economy from the standpoint of people who live in Harrisville, RI, or Harrisburg, PA, it is a tough economy. People at home are asking us to stand up and do something, to give them again the sense that when they work and their productivity goes up, their wages will go up as well; to give them the sense that they can actually provide for their family, maybe even put a little bit aside. Very few middle-income people are putting anything aside these days. That is our challenge.

This Congress has taken some steps to meet that challenge in terms of education policy, in terms of energy policy, in terms of at least beginning to deal with the housing issue. We have a lot more to do, and we need the cooperation of the administration.

I think this is a historic moment. Are we going to abandon our sense that this country is based on opportunity for all of our citizens? Are we going to abandon the sense that our economy works for all of its citizens; that those who are creative and clever and take risks will get great rewards but that no one is going to be left behind, no one is going to be left without anything to show for working hard, working smarter, and working better? I hope not.

I think that will be one of the ultimate judgments not just on this Congress and this administration but on our tenure as Members of the Senate as we go forth.

Mr. President, I thank the Chair for his consideration in allowing me to speak beyond the recess time, and I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the presiding officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

CONSUMER EDUCATION

Mrs. DOLE. Mr. President, ever since my days as Deputy Special Assistant to the President for Consumer Affairs in the Nixon administration, followed by 5 years on the Federal Trade Commission, consumer education has been a top priority, especially with regard to helping individuals protect their credit and improve their financial literacy.

In fact, back in my days with the White House Consumer Office, we prepared an extensive manual called ''Consumer Education K through 12.'' I traveled the country and encouraged schools to use this material so that students could learn the importance of financial literacy at an early age. So this is truly an issue that is near and dear to my heart, and I am pleased that the Senate Banking Committee held a hearing just last week entitled, ''Shopping Smart and Avoiding Scams: Financial Literacy During the Holiday Season.'' As I said at that hearing, it is unfortunate that today there is a particularly harmful practice called identity theft, an all too prevalent problem we must continue to deal with. Identity thieves constantly create new scams to rob hard-working, law-abiding citizens of their good names, their credit and their security. The stakes could not be higher for the families involved.

As you may remember, after last year's holiday shopping season, TJX, the parent company of TJ Maxx and Marshalls, disclosed that it had experienced a massive data breach, where the security of its customers' financial information was compromised. According to a filing with the Securities and Exchange Commission, beginning in July 2005, and continuing over an 18 month period, at least 45.7 million credit cards were exposed to possible fraud. As this example illustrates, identity theft is often cited as one of the fastest growing crimes in the Nation. According to a study conducted for the Federal Trade Commission, approximately 8.3 million Americans were victims of identity theft in 2005, losing an average of $1,882 dollars each. In my home State alone, an estimated 300,000 North Carolinians are victims of identity theft and fraud each year. Without a doubt, this is an issue that continually needs to be front and center on our radar screens, and we need to do our part to educate people on ways to prevent identity theft and inform them of what to do if, heaven forbid, they become a victim. For example, the North Carolina Department of Justice site called ''NoScamNC.gov'' and the Federal Trade Commission's Web site, www.ftc.gov, both provide useful information and tools to help consumers protect themselves and take action if their personal information has been compromised or misused.

With regard to financial literacy, I believe clarification of credit card agreements is high on the list to benefit consumers. There are many well-intentioned laws that require credit card companies to fully disclose their policies on rates, payments and terms of use. But unfortunately, the tangible effect of these laws is often multiple pages of single-spaced typing in small font lettering, filled with sophisticated legal terminology. Who are they trying to fool? For gosh sakes, you shouldn't have to have a lawyer and a magnifying glass to understand a credit card user agreement. Some lending companies are now providing consumers with a one-page summary of their disclosure information in a format similar to the nutrition information displayed on products in your local grocery store. In fact, I'm proud that working to get that clear, concise nutritional labeling was a top priority during my early days in the White House Consumer Office.

We must also continue to require that credit card companies provide full disclosure regarding fees, interest rates, minimum payments and privacy statements. It is imperative that this information be presented in the most consumer-friendly manner possible. This will benefit not only the consumers, but also the credit card companies. By providing more easily understood applications and monthly statements, card issuers can reduce losses due to defaults and also lessen the demand for customer service to guide consumers through problems. It's a win-win situation or, as they say, a no-brainer.

During this busy shopping season, and all year-round, we can each benefit from sharpening our financial literacy and protecting our personal information and credit.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I believe I am by previous order to be recognized for 30 minutes. My colleague from Michigan has asked for 5 minutes to precede that. I will be happy to grant that by consent, if I will be recognized following her presentation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Michigan is recognized.

PREVENTION THROUGH AFFORDABLE ACCESS ACT

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his graciousness. It is my understanding that there will be an objection to this unanimous consent request. At this point there is not someone on the floor to object, so I will briefly talk about what I am asking that we do, and then, as a courtesy to our colleagues on the other side, if we do not have someone here I will postpone the actual motion. But let me just say, because I want to make sure I am only taking a moment—I know Senator DORGAN has some important words—let me just say I will be asking unanimous consent that S. 2347, the Prevention Through Affordable Access Act, be discharged and the Senate proceed to its consideration and pass it.

Due to an unfortunate drafting mistake in last year's Deficit Reduction Act, some safety net providers, such as family planning clinics and other health centers, cannot receive contraception from drugmakers at nominal drug prices without violating Medicaid's best price rule. These are drugs that in fact are donated. Since this law became effective in January, the provision has been a tremendous hardship for women across America and has driven up the cost of contraception, family planning, by some 400 percent in some cases.

Because of this, many women cannot afford their prescriptions, and clinics are being forced to close because they can no longer receive the donations they have traditionally received. This is sure to result in an unintended series of pregnancies among low-income women and students. This is very serious for women and families across America.

Hundreds of articles have been published documenting the impact of this mistake. We understand our Republican colleagues have indicated this was a mistake. This has affected low-income women and families on college campuses nationwide. Some clinics stocked up early, but their supplies are running out. For too many clinics, especially in rural areas and on college campuses, they simply do not have enough resources to overcome this provision which, it was indicated, in fact was a technical drafting error. According to one family planning organization, over 200 clinics across 34 States serving half a million patients are at imminent risk of closing, and therefore women and their families lose these important health care facilities.

In my own State, women in rural parts of Michigan will have limited or no access to contraception. I have already heard from rural health clinics, as well as universities, student clinics, how this provision, passed last year, is hurting women and potentially causing these centers to close. Again, this is essential health care for women that is at risk.

I rise today to express my strong support for the Prevention Through Affordable Access Act. This bipartisan bill, introduced by Senator OBAMA and myself and nearly 30 other Senators, is a commonsense solution to a major problem affecting our Nation's family planning providers. Historically, Congress has expanded access to affordable prescription drugs for vulnerable populations in America by permitting pharmaceutical companies to offer what is called nominally priced drugs, drugs that are either donated or provided at dramatically reduced prices, to certain health care providers.

What we are asking for today is merely a technical correction, to do the right thing. The Prevention Through Affordable Access Act will not cost the Government anything and merely will allow pharmaceutical companies that are willing to continue to donate drugs to safety net family planning clinics to do that.

This is invaluable in terms of women's health care. I urge my colleagues to join me in doing the responsible thing by passing S. 2347 now.

Congress must act responsibly now to ensure that family planning services and birth control pricing are restored this year. For too many families across America, this is an urgent situation. Women cannot wait until next session to have this mistake corrected and affordable birth control returned.

At this point we do not have someone, I understand, on the floor to address this from the other side, so I will delay actually asking for the unanimous consent until a later point. I do intend to do so. It would be my hope that, in fact, with such a large number of Senators supporting this effort we would be able to get this done today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, as we near the end of this first session I want to talk about a couple of things. I think perhaps today is the last day, maybe tomorrow, I do not know for certain, but most of the business that required votes was completed last evening by about 11 o'clock.

FTC

First, I want to talk about some action that was taken yesterday by Federal Communications Commission Chairman Kevin Martin and Commissioners Tate and McDowell, forming a majority of three. In a 3-to-2 split, the Commission decided yesterday their main issue was the need to relax the ownership rules so we can have more concentration in America's media. It is exactly the wrong thing to have done. They have done the wrong thing for the wrong reasons, despite the fact that the Congress itself has asked them not to do this.

The Commerce Committee, of which I am a member, has passed legislation asking them not to vote so quickly on this rule. Members of the Commerce Committee and other Senators, 27 in total, sent a letter to the Chairman of the Federal Communications Commission this week and said: If you proceed to do this, we will introduce legislation to nullify and revoke the rule you are intending to pursue.

Now, despite that, yesterday the Chairman of the Federal Communications Commission, having worked apparently the night before—at 1 a.m. he was still passing around materials about what his rule was—drove through a new FCC rule to allow newspapers to buy television stations, to relax the cross ownership ban that has existed for some three decades here. We have in this country a dramatic concentration in America's media. A substantial portion of what most people in this country will see and hear and read today is controlled by a handful of corporations; it's a massive concentration. It is not unusual for you to drive down the street and think you're listening to your hometown radio station, but it isn't. Oh, you think you are listening to your hometown radion station, but they are not there. It is very likely someone is driving down the road in Salt Lake City, UT, and hears the disk jockey say: Well, it is a great morning here in Salt Lake City. The sun is coming up, we have got a few clouds in the sky, it is going to be a beautiful day. The traffic is kind of light. You think, well, this person obviously is in Salt Lake City, I am listening to a Salt Lake City station. But, no, that person is actually in a basement studio in Baltimore, MD, ripping from the Internet whatever that person can find about Salt Lake City and then pretending he is broadcasting from Salt Lake City. It is going on all across the country and it is called voice tracking. Localism is gone in many companies that have radio stations and television stations. And yet the Federal Communications Commission that is supposed to wear a striped shirt and be a referee—that is what a regulator is about—the Federal Communications Commission apparently believes we do not have enough concentration in the media.

In one community in my home state, Minot, ND, one company bought all six commercial radio stations. Think of that, bought all six of them. There was an incident one night at 2 in the morning that threatened peoples' lives,

killed one person, sent a lot of people to the hospital, when a plume of anhydrous ammonia enveloped that town from a train accident. The citizens called the radio station, but could not get an answer. Nobody answered the phone. Maybe if those six radio stations had been owned by six local people, you think you may have found someone there? I would think so, but yesterday the Federal Communications Commission said: Well, none of that matters. We want more concentration in the media. So they passed a rule that allows cross ownership, that has been banned for some 30 years, between newspapers and television stations.

Well, here is the media. Let's take a look at the media. They say: Well, we have got all of these new opportunities in the media. All of these are different voices. We have got Internet, we have cable channels, we have got so many more voices. Yes, more voices, the same ventriloquist.

Let me describe why that is the case. News Corporation. Here is one company. Take a look at it. The Internet, books, production, programming, film, magazines, newspapers, satellite. One corporation. By the way, that corporation has just purchased the Wall Street Journal.

Disney: Parks and resorts, magazines, radio, books, Internet, production, television, film. Time Warner. All of this media it owns: Programming, magazines, the Internet, film, television, cable.

Viacom: The Internet, film, production, programming, radio television. Well, I could go on. Let me go on to two more charts.

CBS Corporation, exactly the same thing. Go to the most popular Internet sites, who owns them? The same companies. General Electric. Television, programming, production, film, magazines, and on and on.

So we have now a Federal Communications Commission that says: You know what we need? We need more concentration, less localism, less minority ownership, apparently. It is unbelievably arrogant what they did yesterday. Let me describe why I think what they did yesterday was arrogant.

They had a rule they were going to put out some while ago dealing with migratory birds and communication towers. They said: This is an important rule. We will give 90 days for the American people to comment on this rule. Ninety days. On a rule dealing with relaxing ownership limits, they gave 28 days. Twenty-eight days.

Chairman Powell, the chairman before Chairman Martin, ran an FCC that included now-Chairman Martin. Four years ago he said he was going to put out a new ownership rule for the media. Here is what he proposed: In one of America's largest cities a company could own the following: eight radio stations, three television stations, the cable company, and the newspaper, and it will be fine.

Well, it was not fine with me. Senator TRENT LOTT and I got the Senate to pass a resolution of disapproval of the rule. In the meantime, the Federal court stayed the rule so it could not take effect. Here we are now back with the same issue, Chairman Martin leading the way. He says, well, this is a smaller step. Sure, it is a smaller step. You have abrogated the right of the American people to even understand what you are doing. He says: Well, we had a 120-day comment period. No, you did not, you had 28 days. You went out and held some meetings, but there was no rule for people to comment on at that point.

I want to make this point. What the FCC has done is arrogant. The chairman and the ranking member on the Commerce Committee asked them not to do it, 27 Senators sent them a letter saying it is inappropriate, saying you should not be short-circuiting the right of the American people to comment on this rule.

This Federal Communications Commission, operating with its strings to the White House, has decided what we need in this country is more concentration of the media. It is unbelievable to me. The last thing in the world we need in this country is more concentration in the media. What we do need with respect to radio stations and television stations and, yes, newspapers are some basic connections in the communities in which they serve.

This notion of voice tracking and all of the other things that are going on, one person at a studio board is running four or five stations, sending out homogenized music, pretending he is in four cities at the same time, that is not what was intended when we decided to give for-profit companies the right to use the airwaves that belong to the American people free of charge.

They have a responsibility, a public interest responsibility, and a responsibility to serve local interests. This Federal Communications Commission ought to hang its head for what it did yesterday. It is not over. We will bring to the floor of the Senate a resolution of disapproval. I am convinced, and I predict, that the resolution of disapproval will prevail on the floor of the Senate.

I would prefer to say nice things about a Federal agency, if only we could find a Federal agency that takes some responsibility for doing what it is intended to do. You can look around. You can look at the Surface Transportation Board, an agency that is supposed to be a referee with respect to the railroads. It is dead from the neck up; has been for years. There is no opportunity, no real opportunity, for anybody to have any opportunity to contest rail rates, for example.

I can go on and on with respect to regulators. It is too bad, because the American people deserve better, in my judgment. The American people expect better from this administration.

I want to speak on another couple of subjects this afternoon. First, I want to talk about the subprime loan issue, which affects almost everyone in this country because of the way it is affecting our economy. The subprime crisis has at its roots a substantial amount of greed and a lust for profits, that in my judgment injured basic common sense.

I want to read an advertisement that almost everyone has seen or heard when in the morning you get up, brush your teeth, maybe are listening to the television set as you get ready for work, and you hear this advertisement. We have all heard them. I wondered when I heard them: Well, how on Earth can this work?

Here is one, Millennia Corporation: 12 Months, No Mortgage Payment. That is right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you.

Here is one from a company called Zoom Credit: Credit approval is just seconds away. Get on the fast track with Zoom Credit. At the speed of light, Zoom Credit will pre-approve you for a car loan, a home loan, refinance, or a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair, debt consolidation too. Bankruptcy, slow credit, no credit. Who cares?

That is the advertisement from Zoom Credit.

Countrywide Financial, the largest mortgage lender in the country, had this to say: Homeowners, do you want to refinance and get cash? Countrywide has a great reason to do it now. A no cost refinance. It has no points, no application fees, no credit reporting and no third-party fees. No title, no escrow, no appraisal fees. Absolutely no closing costs. So you wind up with a lot more cash.

Now the advertisements that say: Have you been bankrupt? Have you been missing payments? Do you have bad credit? Come to us. Do those advertisements say something to us about fundamentally bad business? It does to me.

Let me tell you what Countrywide Financial was doing. It is not just Countrywide; I am using it as an example. They began to offer hybrid mortgage loans. They offered loans where you paid interest only. You get a loan on your home, a new mortgage, and you pay no principal. You just pay interest only, and layer your principal in later at the end of the mortgage.

Well, that was not enough. They decided: Well, we will do a payment option adjustable rate mortgage. That allows the borrower to pay only a portion of the interest and none of the principal, and the portion they did not pay gets added to the back of the mortgage.

So you advertise, and you say: You know what, you have got bad credit, you have been bankrupt, you are a slow pay, your credit rating is in the tank, tell you what, we will give you a subprime loan. Do you know what? We will give you a loan at 2 percent. It will have to bounce up when it resets in a while, so you will have to pay a little

more later, but we got this housing bubble going on, you know, bubbles never burst. So buy this and flip it. If you cannot make the payment 2 years from now when the interest rate resets, you can flip the house and make $30,000, $50,000, $100,000, do not worry, be happy.

In fact, some of this comes from cold calls to the home from brokers in some cases making $10,000 $20,000, $30,000 in fees, saying: What you need is a new loan. It is a new loan that is going to have a 2-percent interest rate. And, by the way, when we tell you what your monthly payment is going to be, we are not going to tell you that you have escrow payments on taxes and insurance. That will not be part of what we tell you. So we will get you into this new mortgage loan, and we are going to have a prepayment penalty. You are locked into a circumstance where the rate is going to reset, and when it resets, you cannot pay it off early because you will have a big penalty. This from the largest mortgage lender in the country.

I don't know how one looks at this and understands the consequences of it for mortgage lenders that went hogwild. They then gave people subprime loans. It is called subprime because it doesn't quite measure up and has very unusual terms. What they do next with the subprime loans is they sell them quickly, and then they are securitized by perhaps a third party who sells them again, so they are sold in two or three cases. It is like putting sausage together, the old story about how sausage used to be made with sawdust. It is a filler used to make sausage. You get a container—in most cases the intestine—you fill it up with a little meat and sawdust, and then you slice it. That is what they did with these mortgages. They took some subprime, they took some others, they diced them, spliced them, securitized them, sold them two or three times.

Now we have a circumstance where a financial institution in France has a massive problem because they are holding securities they didn't know existed with subprime loans that were sliced and diced. What is the incentive for the investor to buy these? The investor is greedy. The broker is greedy. The mortgage lender is greedy. The investor who wants to buy these sliced-and-diced pieces of mortgage sausages is going to get a higher return because you have to reset the interest rate. That is going to jack rates way up, which means you get a higher return as an investor. Guess what. The center pole of the tent collapses, and everybody is standing around wondering what on Earth happened.

What happened was an unbelievable system filled with greed by everyone who should have known better, starting with television advertising that said, ''Get a loan from us even if you are in bankruptcy because we are interested in helping you out, even if you have bad credit,'' starting with that and ending on the other side with sophisticated investment banks and rating organizations believing they can buy these pieces of mortgage sausage that, at its fundamental, never added up, and they believe they can show big profits on their books. The result is now we see CEOs of some very large corporations who are not only losing jobs, but the corporations are taking writeoffs of $8 billion, $10 billion. This is going to be a casebook study of bad business in all business schools at some point.

The question is, How does it happen that all of this occurs outside of the view of regulators or outside of the concern of regulators? Where was the Federal Reserve Board when all of this happened? Where was Alan Greenspan? He was walking around scratching his head, worried that we were going to pay down the debt too rapidly in the first part of this decade. He was the enabler for George Bush for deciding that even though we don't have a fiscal policy that has yet produced 10 years of surplus—we had a surplus when President Bush took over, but the prediction was for the next 10 years—even though we didn't yet have that, he had an enabler in Alan Greenspan walking around scratching his head, trying to figure out how he could sell the Bush policy by saying: I am really worried we are going to pay down the debt too quickly and it will have an adverse impact on the economy. He, more than anybody, gave a green light to a bad fiscal policy. Even as that was occurring, he apparently was looking the other way in a determined manner as all of this was happening under his nose. It is the Federal Reserve Board, yes, but it is also other regulators as well who should have been involved. If ever there is a lesson that you need effective regulatory capability in a government, it ought to be now.

I was watching a wonderful series about the Presidency. It is documentaries about most of America's more recent Presidents during the last century. One of them was about Franklin Delano Roosevelt, something he did during the 1930s that was unbelievably controversial. During the 1930s, he decided banks should be regulated. He did that for a good reason. He decided there should be regulation of banks. He was excoriated by American business and by banks. What on Earth are you talking about? Why should banks be regulated?

The question is, What happened to effective regulation that began to be created over some decades to protect the public interest, when we now see in the year 2007 this kind of behavior, a subprime mortgage crisis that at its roots is devoid of common business sense? Yet it happened, and the smartest guys in the room—to describe the title of a movie dealing with Enron—apparently were the ones who constructed it. Now we all pay the price.

Warren Buffett, one of the wonderful business leaders in this country, says: Every bubble will burst. Part of the housing bubble was created by subprime loans and by all of these folks deciding: We are going to get all these mortgage instruments out there, even if they are not sound fundamentally. That helped exacerbate the bubble. The plain fact is, the bubble was destined to burst. Then what happened? What happened is what we see now—substantial financial chaos, some companies running, trying to figure out what happened, and we have a lot of victims.

George Will suggests that nobody is a victim who got a home loan. I beg to differ. The fact is, those who were getting cold calls from fast-talking mortgage brokers trying to put them in a mortgage they didn't quite understand and could not afford, those folks have been victimized. I don't pretend to know all the solutions, but I know the start of a solution is to decide, No. 1, you can't be peddling this kind of thing. We have seen it before in other decades. It almost always leads to collapse and chaos. Second, you can't effectively function in a financial system such as ours unless you have some regulatory capability.

I had recently written a piece about a new financing system that has emerged in our country and around the world—but especially it is developing here—that represents the dark side of money. It is the equivalent of the dark matter in the universe, the dark money that exists that is outside of the sight of anybody. When you take a look at what is happening with respect to hedge funds and derivatives, a whole series of things happening in our financial system that are outside of the regulatory capability or even the sight of regulators.

I gave a speech talking about where the price of oil is. One of the senior analysts of Oppenheimer says there is no reason that it ought to be 5 cents above $55 for a barrel of oil. There is no justification for the price of oil being a nickle above $55 a barrel. It is above $55 a barrel because the futures market for oil has become an orgy for speculation. We have hedge funds deep in the futures market for oil. We have investment banks in the futures market for oil. There are reports that some investment banks are actually buying storage facilities so they can actually take the supply off the existing inventory, put it in storage, and wait until the price goes up. There is so much going on in this country's financial system that desperately needs the capability for regulators to understand what is happening and take effective action to respond to it.

Mr. WEBB. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WEBB. If I may, this Senator came to the floor on other business, but I followed the Senator's comments with some fascination and gratitude, quite frankly. I admire the Senator for coming down here week after week and addressing issues that in many cases are conceptual issues that don't usually get the time for consideration in

this body. One of the events that came to my mind when the Senator was talking about Franklin Roosevelt's administration and his willingness to regulate banks—and we have seen such a push of late against any sort of Government regulation—was when Andrew Jackson vetoed the charter for the second national bank, which was an act that Historian Vernon Louis Parrington termed ''the most courageous political act in American history.'' Andrew Jackson did it for exactly the same reasons as the Senator from North Dakota is stating. What Andrew Jackson said at that time was that if the charter of the second national bank came into place, it would have created and perpetuated an unbridled aristocracy in the United States. It would have allowed the continuation of aristocracy in a nation that was supposed to be a democracy.

I particularly associate myself with the remarks of the Senator when it comes to the verticalization of our communications industry. You can look back in history. Whenever authoritarianism takes hold of a nation, they do it through three entities. They take out the ability of people to worship. They attempt to decimate the family, and they go after the ability of people to speak freely. In some cases, this verticalization, it can be argued, is simply economic. But certainly in a lot of areas, when you have this verticalization of ownership from film to TV to local TV stations to newspapers, it can affect people's access to information. It can affect people's ability to make reasoned judgments.

I wanted to interrupt the Senator for a few minutes to state my appreciation for his coming to the floor week after week and making these points. I will be very strongly desirous of working with him on both of those issues.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from Virginia. He said something about a year ago that I have long remembered because it is something I have been concerned about. He was talking about the economy and about concentration in the economy. It relates to what I was describing about big companies and the media. Senator WEBB talked about the fact that we have reached a point now where the average CEO in America makes 400 times what the average worker makes.

I was doing some writing the other night about this issue. I talked about hedge funds a few moments ago and their role in the subprime mortgage scandal. I was talking about what hedge fund managers are earning. From a recent Alpha Magazine report on compensation—the hedge fund manager who earned the most last year made $1.7 billion. James Simons did that. And $1.7 billion means he makes in 1 hour what the average worker makes in a year, but he makes it every hour. The point I am making about this is the skewed nature of this economic system of ours and what is happening in it.

My colleague will know that in recent days we have had a debate with President Bush about who the big spenders are and so on. The biggest spender by far has been President Bush. He has sent us budgets that represented the highest amount of spending and the biggest deficits we have had for a long time. When we tried to pay for some things, we said: Let's do certain things and pay for them. The President said: Not on your life. We will not allow you to pay for these things.

Here are the things we wanted to do to pay for some of those things, some things that were worthy—for example, extending incentives for renewable energy and so on. We said: Those people, including hedge fund managers, who are making a lot of money and are paying a 15-percent income tax rate, which is a lower rate than the receptionist in the office down the street is paid, they should be paying an income rate like all Americans. The President said: Not on your life.

We described in a picture what is happening. We said: We want to shut down tax scams that allow Wachovia to buy a sewer system in Germany, not because they have expertise in German sewers; they want to buy the assets of a German sewer system so they can write off hundreds of millions of dollars in taxes they would otherwise owe this country. The President said: No, you can't be doing that. That is a tax increase.

From David Evans, a really great reporter, I got a picture of this building, the Ugland House, some while ago. This is a 5-story white house in the Cayman Islands, home to 12,748 corporations. Are they there? No, it is a legal fiction. Lawyers have put them there legally so they can avoid paying U.S. taxes. The President doesn't want to shut those things down. He said: No, if you shut this sort of thing down, we call it a tax increase, even as the President is protecting these unbelievable opportunities for the wealthiest to avoid paying taxes, at a time when the debt is increasing dramatically.

Here is what the President has done since the year 2002. He sent us emergency requests, none of it paid for, and said: I want it all added to the Federal debt. In 2002, he said: I want $50 billion. In 2003: I want $76 billion. I don't want to pay for any of it. Add it right to the debt. I am sending soldiers to Iraq and Afghanistan. When they come back, they can pay for the debt. In 2004: I want $87 billion. In 2005: I want $82 billion. In 2006: I want $92 billion. It is all emergency money outside the budget, all added to the Federal debt. In 2007: I want $103 billion. And in 2008: I want $196 billion.

He has asked for over two-thirds of a trillion dollars and wanted to charge it all to future generations, and he has gotten by with it. Then he sits in the Oval Office and says: Well, I am the fiscal conservative. I do not think so. I grew up in a small town. I understood what a Republican was. They are an important part of this political system. The one thing you could count on from real Republicans is they believed you ought to balance budgets. It is what it was in my hometown. It is what it used to be in this Chamber.

Now, that new brand is: Let's spend money, and let's add it to the Federal debt. This is not some Democrat that is doing this; this is President George W. Bush asking for over two-thirds of a trillion dollars and asking that none of it be paid for. We will send soldiers to war, but we will not have the courage to ask the American people to help pay the bill.

In recent days and weeks, we have been treated to quite a sideshow of this administration describing their view of fiscal responsibility. They have said the Senate wants to spend $22 billion more than the President in this year on things such as health, education, taking care of sick kids, improving America's classrooms, energy—a whole series of things—weather assistance, home heating fuel in the winter. For all of these things, the President says no. He says: You want to spend more than I do here at home, so you are big spenders. You are $22 billion over my number. And, oh, by the way, I am $196 billion over your number. He says: I want that, and I don't want any of it paid for.

I think it is long past the time to start taking care of a few things at home, and I think there is a right and a wrong way to do it. It is time we pay for that which we spend, and there are plenty of ways to do it. If we have the richest people in the country paying 15 percent tax rates, I think they ought to pay what others pay.

As I said, the second richest man in the world, Warren Buffett, is a remarkable businessman and an interesting guy and somebody I have had the opportunity to know over the years. He said he did a little test in his office in Omaha, NE. I think he said there were 30 or 40 people who worked in that central office. He checked—with the cooperation of his employees—to find out what their effective tax rate was. Guess what. The lowest effective tax rate in his office was Warren Buffett's. And he said, to his credit: That is just wrong. Why should I pay a lower tax rate than the receptionist in my office? This is from the world's second richest man.

Very few in that stratosphere in income will take that position. Most of them are spending a lot of money to try to preserve what they have: a 15-percent tax rate. In many cases, the top hedge fund managers in this country are paying the 15-percent tax rate on massive earnings, and they have this President in the White House trying to do everything he can—and so far successfully—preventing those of us in the Congress who want to say to the wealthiest Americans: Pay the tax rate that the rest of us pay, that everybody else pays.

The point I wanted to make, very simply, is this: The President has made a big cause in recent weeks about being a fiscal conservative. There is nothing fiscally conservative about an administration that took a very large budget surplus and turned it into very large budget deficits. There is nothing conservative about protecting tax breaks for the wealthiest Americans. There is nothing conservative about proposing two-thirds of a trillion dollars of spending and wanting to add it to the Federal debt. That is not conservatism. That is reckless fiscal policy and one that ought to change.

One final point: The President, today, is signing an energy bill. We wrote an energy bill, and it is a good bill. It comes up short in two areas. We should have increased renewable energy provision in it that requires that all electricity produced in this country should be produced with 15 percent from renewable resources. That ought to be in the bill. It is not in the bill that passed.

Second, we ought to have had the extenders, extending the production tax credit and other incentives for the renewables and other sources of energy in order to make sure we are going to continue to push on renewable energy incentives.

But having said that—we did not get that because of the President and his supporters—having said that, here is what we did get: We got an energy bill that, for the first time in 32 years, requires Detroit and the auto companies to make automobiles that have better gas mileage, 10 miles to the gallon in 10 years, beginning in the year 2011. That is a significant change. I am proud to have been a part of causing that change. I was the principal author of a legislative initiative supported by SAFE, Securing America's Future Energy. That called for the increase in reformed CAFÉ standards. It called for a substantial increase in renewable fuels, which we have done by a 36-billion-gallon renewable fuels standard to be achieved by 2022.

We have a title that is very good dealing with conservation and efficiency of virtually everything we use in this country today. We get up in the morning, we turn on a switch, and then we turn on a key. We see light, and we start the car. We don't think much about energy, but it is central to our lives.

We are so unbelievably dependent on foreign sources of energy. Sixty percent of the oil we use comes from outside our country, much of it from troubled parts of our world. We have to change that.

I am proud of the bill we have passed in this Congress. It is a significant accomplishment. We need to come back next year, and do the renewable energy piece, saying every kilowatt of electricity produced in the country should have 15 percent renewable. We can take energy right from the wind, and we can extend America's energy supply with renewable energy.

I think while there are a lot of reasons we did not make as much headway as we would have liked in this Congress—we are, after all, only 51–49 in the Senate and about the same percentage in the U.S. House and a President who has a veto pen. Despite all of that, for the first time in nine years we increased the minimum wage. Those folks working at the bottom of the economic ladder—the ones who work two jobs, sometimes three jobs. I believe in 60 percent of the cases, it is a woman trying to make ends meet, often trying to raise a family—for the first time in 9 years, we increased the minimum wage to say to them: You matter as well. You are at the bottom of the ladder, but there are ways we can help you. And an increase to the minimum wage is a significant accomplishment.

We passed a reauthorization of the Higher Education Act, and that was significant. We increased Pell grants and student loans. We did some important things in Congress. We passed an energy bill at the end.

Would we have wished we could have done more? Sure. But the fact is, with this President in the White House, we were not able to get all the things we wanted to get done. But we will. The future is about change. The agenda that we care so much about is about change, about pivoting and beginning to take care of things in this country that have long been neglected.

Having said all of that, I feel optimistic. I like what we have done. I know this is a time that is very frustrating for the American people for a lot of reasons: the war in Iraq, the subprime loan scandal, the massive scandal of waste, fraud, and abuse in contracting for the war in Iraq and Hurricane Katrina, the most significant waste, fraud, and abuse in the history of this country.

I know why people are upset. They are upset about jobs going overseas, trade policies that, in my judgment, are bankrupt in terms of standing up for this country's interests. But the fact is, all of those things are things we can change. Step by step, we can make these changes. That is why I feel optimistic.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WYDEN. Mr. President, anytime I am home in Oregon or have a chance to travel around the country, when I hear citizens talk about Government, they zero in on one word above all else. That word is ''change.'' Americans want change in our foreign policy. Americans want change in our energy policy. And above all, Americans want change in our health care policy at home.

So this afternoon I am going to spend just a few minutes talking about some of the most urgently needed changes in American health care, and then how the Congress can go about setting those changes in place.

Above all else, Americans want changes in health care costs so as to hold down these staggering expenses. This country is going to spend $2.3 trillion this year on health care. There are 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a physician for every seven families in the United States. That is how staggering the health care costs are in this country. You could literally go out and hire a physician for every seven families in the United States, pay that doctor $200,000 for the year, and say: Doctor, your job for the year will be to take care of seven families.

In fact, I know the Presiding Officer has a great interest in health care as well. Whenever I bring this up at a townhall meeting, and physicians are in the room, they usually say: Where do I go, Ron, to get my seven families? Because they think it sounds pretty good to change the American health care system so they can do what they were trained to do, which is, to be advocates for people, to stand up for their patients, to make sure they get the best shake for American health care.

Certainly, employers want changes to hold down the costs of health care. Today, if you are opening a business in Coos Bay, OR, or Stowe, VT, you are competing in the global marketplace. You essentially spot your foreign competition something like 20 points the day you open your doors in Vermont or Oregon or anywhere else. That is because your premiums go up 13, 14, 15 percent a year, and your foreign competition benefits from national health insurance. So that is what these crushing costs mean for the business community.

If you are lucky enough to have health insurance in our country—and because the costs are going up so high—you are literally one rate hike away from going without coverage.

One of the reasons the costs hit people with insurance so hard is that today in America, if you have coverage, you also pick up the bills for those who don't have coverage. I am sure the distinguished Presiding Officer of the Senate hears the same thing I do at home. Somebody who has coverage, for example, is in a hospital and looks at the expenses and the bill and it says something like Tylenol, $60. A citizen comes to one of us at a townhall meeting and says to us: What do you mean Tylenol costs $60? I could have gone to CVS or to some other pharmacy and I could have gotten Tylenol for $20. Why did it cost me that much? The reason it costs that much

for somebody who has insurance is there are a lot of people in the hospital who don't have coverage and they couldn't pay for their Tylenol, so the cost gets shifted over to the people who are insured.

So first and foremost, when it comes to changes in health care, we need changes that rein in these staggering costs—costs that are going up far beyond what cost increases are elsewhere in the world.

The second area that is so critical to change in American health care is lowering the administrative costs in American health care. We have higher administrative costs than any other country on Earth. Once again, you see it at home and in your State when physicians and others come to you. In my home State, in a typical doctor's office with a few physicians, there is one person who will spend the entire day on the phone essentially trying to pry out information from insurance companies as to what they will pay on one claim or another. These are clerks trying to get information about an insurance company matrix, trying to figure out what will be spent because this country still lacks a uniform billing system because there are so many differing systems of paperwork and charges. This country's staggering administrative costs are an area that desperately needs to be changed in American health care.

Most other parts of the country have simplified their record-keeping and their administrative costs. They use electronic record systems. Today, for example, the typical doctor's office has less technology to hold down administrative costs than the corner grocery store. So second on my list of changes to American health care are steps that would be taken to slow and reverse the crushing increase in administrative costs, hassle for doctors, and needless time and heartache that go into administering American health care.

The third area of change—something I know the Presiding Officer feels very strongly about—is moving health care to prevention and wellness rather than sick care. The fact of the matter is that in the United States we don't have health care at all. What we have is sick care. The Medicare Program shows this more clearly than anything else. Medicare Part A, for example, will pay huge checks for a senior citizen's hospital bills. The check goes from the insurance carrier to a hospital in Vermont or Oregon or anywhere else—no questions asked. Medicare Part B, on the other hand, the outpatient portion of Medicare, will pay virtually nothing for prevention—virtually nothing to keep people well, to keep them healthy, and to keep them from landing in the hospital and racking up all those huge hospital expenses under Part A. That is a bizarre way, in my view, to run the Medicare Program. In fact, the Medicare Program, which is so biased in favor of sick care rather than wellness and prevention, runs the biggest outpatient program in the country that offers no rewards for, for example, lowering your blood pressure, lowering your cholesterol, stopping smoking. The biggest outpatient program in the United States is Part B of Medicare. Available to more than 30 million older people in our country, it is the biggest outpatient program that offers no rewards for sensible prevention. We have to change this bias. We can look at the problem in this country of childhood obesity and the onset of type 2 diabetes. If we don't focus on prevention, wellness, and keeping our citizens healthy, we will see these continued increases in the costs of chronic care later in life, when heart disease, stroke, diabetes set in and our country racks up still additional health care costs because there has been no focus on prevention.

Finally, it seems to me there has to be a much sharper focus on improving quality in American health care. When people talk about changing health care, they usually focus first on costs and that is why I brought it up initially. But they also want to make sure they get better quality care. Right now, with citizens reading reports, for example, from the Institute of Medicine—about thousands and thousands of needless deaths, hospital deaths, other deaths—it is obvious that steps need to be taken to improve the quality of our health care. Some of them are steps that certainly sound fairly simple: Better infection control in our health care facilities, making sure sensible steps are taken after an individual has a heart attack. Clearly, there needs to be more focus on early diagnosis of illness, which I think is part of a continuum of better quality care that starts with prevention and zeroes in on early diagnosis. But those are some of the areas I think need to be changed.

The reality is the reason for all these changes and the reason why the country wants them is the health care system hasn't much kept up with the times. For more than 150 million people, the employer-based system is pretty much what we had in the 1940s. I talked earlier, for example, about the crushing toll it takes on employers, where they spot their foreign competition 18, 20 points the day they open their doors. But let's think about what it means for individuals.

Right now, I can tell my colleagues a lot of individuals are very concerned, as they see their employer hit with these crushing costs and that every year their package will be skinnied down. There will be more copayments and fewer services, and a lot of them are very worried about whether their employer will be able to offer coverage at all. A lot of individuals come to me at townhall meetings and say: Ron, I am 56, 57. I am not sure my employer is going to be able to hold onto our coverage at work, and what will I do if I lose coverage at work and I am not yet eligible for Medicare. This, of course, would mean they might be without coverage between 57, 58, and 65. You can't be without health care coverage, as the Presiding Officer knows so well, for 7 or 8 years.

So the individual who has coverage at work is worried about the trends, and in a lot of instances, that worker feels job-locked. They would like, for example, to look at another position, say another position that paid more, but they can't do that because they fear if they gave up their current position, they would go into the marketplace and they would be uninsurable. They might have an illness. They might have had a previous health problem. They know what goes on in much of the marketplace—that there is a lot of insurance company cherry-picking and that the insurance companies screen out people who have these health problems and try to send them over to Government programs. So a lot of our citizens feel job-locked and unable to move. It is why I think one of the most important changes that is needed in American health care is to modernize the employer-employee system. Because what we have today in 2007 isn't all that different from what we have had since 1947. My view is that will be one of the most important changes the country needs to look at in American health care.

Finally, let me touch on the other side of the prevention coin in American health care. If we don't make changes and improve our system of health care prevention, what is surely going to happen is we will face increased costs for chronic health needs in America. Already, the evidence shows something like 6 percent of the Medicare population consumes 60 percent of the overall Medicare bill. These are the people who have problems with heart and stroke and diabetes—and the costs of chronic care go up and up and up. A modern health care system, one we ought to be looking at going to in the future, would put a better focus on chronic care management. So when you have an individual, for example, with several of these conditions, there is an effort among physicians and others to coordinate care. One of the best ways to do that is to have something which has come to be known as a health care home, where, in effect, an individual—a patient—can designate one person to coordinate their care when they have these multiple kinds of problems. But talk about the need for change: The Government does virtually nothing to promote the chronic care management which I have described and have had a chance to talk about with the Senator from Vermont.

So we are going to have a chance to go home now for a few weeks and go to the townhall meetings and the Chamber of Commerce lunches and the service clubs. We are going to hear citizens talk about their hunger for change in a lot of areas: foreign policy, energy policy, education policy—a variety of areas. I think what they are going to

talk about when it comes to addressing their concerns here at home is the need for change in health care policy in America. They are going to talk about what is going to be done to contain the costs, what is going to be done to reduce some of the mindless paperwork, how we can put more focus on prevention and wellness, make better use of health care technology, and offer sensible policies that reward the coordination of managing cases for individuals with chronic conditions. These are the key areas they talk about. It all comes down to a health care system that doesn't work very well for them, No. 1. The issue becomes how can it be that a country such as ours—the richest country on Earth, with all these wonderful doctors and hospitals—cannot figure out how to meet the health care needs of our people.

I believe we know what needs to be done. I have tried to outline a number of these key areas. As the Senator from Vermont knows, I have offered legislation with Senator BENNETT of Utah—we have 13 cosponsors on a bipartisan bill—that addresses these kinds of concerns. But now, when we are home and we have a chance to listen to folks, I think we will have a chance also to talk about real priorities for our country, the changes that are needed. We need to especially talk about the changes that are needed in American health care so this country can end the disgrace that we are the only Western industrialized Nation that hasn't been able to figure out how to get basic, essential health care for all our citizens. We are up to it. It is now a question of political will and our willingness to embrace change.

I have appreciated the chance this afternoon to outline some of the most important changes that are needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CRIMINAL BACKGROUND CHECK IMPROVEMENT ACT

Mr. COBURN. Mr. President, later today, Senator SCHUMER will bring up the Criminal Background Check Improvement Act, which is an important piece of legislation. When this bill was originally hotlined, we asked that it be held so that we could discuss the improvements to the bill.

This bill came out of the tragedy at Virginia Tech. It is important that the American people understand that what we are changing in this bill would not have prevented what happened at Virginia Tech. What happened to the individuals there was because the law we have on the books was not followed by the State of Virginia. They recognized that shortly thereafter and have made corrective action to it.

What is also important to note is that under the previous legislation we have had, over $400 million a year was authorized to help the States implement the programs so that somebody who is truly a danger to themselves or others or has been admitted to a mental institution and considered mentally defective—that is a term of the bureaucracy—is not allowed to purchase a gun. We all agree to that in this country. So when you don't follow the law, the laws don't work. Consequently, the families are suffering great grief at this time because the law wasn't followed.

Too often, the first reaction of Congress is to hurry up and pass a bill. There are and have been in this bill some good ideas. But there were some bad ideas. The idea of holding the bill to be able to work with those who are offering the bill to get improvements has come about. The principle is this: As we protect people from the dangers of weapons by withholding both criminals and those people who constitute a threat to themselves and others, we can't do that if we are going to step on the rights of those who have a right and who are not in that category.

I wish to take a moment to thank Senator SCHUMER for his hard work and Elliot of his staff for his hard work and to recognize my staff, Jane Treat and Brooke Bacak and others on my staff who worked through the last couple of months to improve this bill. We have come out to make sure those people, veterans in this country who go out and defend, with their lives, bodies, and their futures, our rights, aren't inappropriately losing their rights under this legislation.

It is interesting for the American people to know that at this time, if you are a veteran and you come home with a closed head injury and you resolve that, then, in fact, by the time you wake up and recover over a year or 2-year period, you will have lost all your rights to bear an arm to be able to go hunting, to be able to skeet shoot, to be able to hunt with your grandchildren, without any notification whatsoever that you have lost that right. That is the present law. That is what is happening.

We have 140,000 veterans with no history of mental deficiency, no history of being dangerous to themselves or others, who have lost, without notice, their right to go hunting, to skeet shoot, to have that kind of outing in this wonderful country of ours in a legal, protected sense. What this bill does is it attempts to address that by giving them an opportunity for relief. It mandates that, first of all, they are notified if that happens to them so that they know they are losing their rights. What a tragedy it would be if a veteran who lost his rights but doesn't know it becomes incarcerated under a felony for hunting with his grandson because it is illegal for him to own, handle, or transmit a weapon? That is not what we intended to do in this Congress some 10 years ago. Yet that is the real effect of what is happening.

Consequently, we are at a point now where we have agreed with the fact that we want to make sure—and we want to put the resources through this authorization—it covers those who could be a danger to themselves and others, and we are going to help the States implement this law, the law on the books, by authorizing significant sums to do this. It is not a new authorization; $400 million was authorized before, but the appropriators didn't appropriate it. They chose to make a higher priority. The most ever appropriated under this, I think, was $23 million a year.

So, in fact, what we want to do now is say we mean it, which means when it comes to appropriations time, this authorization will have no effect unless, in fact, we appropriate the money to the States to carry out this notification system. It is something we can and must do. It shows that when we work together to solve the problems and protect the future and honor the Constitution, the rights under the Constitution, we can do that if people of good faith and of good intent work together to solve that.

My compliments to Senator SCHUMER and his staff and Hendrik Van Der Vaart on my staff for the hours and hours we have put in to make sure this happened.

A couple other key points. Sometimes the bureaucracy delays whether or not you are on this list. So we have said that, at the end of the year, if they can't decide, it is going to be adjudicated that you cannot have a gun and you will have to prove that you can. That is fair enough, provided we create the means with which you can recover the cost of that adjudication. So if, in fact, you get to Federal court and you win your case that there is not anything wrong with you, the Federal Government is going to pay your lawyer's fees and return your rights—the rights given to everybody else in this country—return your wrongly denied rights back to you.

Therefore, we really, truly do give access to those who have been injured under this law and, at the same time, protect the rest of the American public from those who could be injured when we don't follow the law.

I also pay tribute to Congresswoman MCCARTHY. I served with her in the House. She has been dedicated to this issue for years. She suffered a terrible tragedy herself at the hands of somebody who was obviously deranged. This will mark a milestone for one of the things she wanted to accomplish during her service in the Congress.

It is my hope that others will not hold this bill. It is my hope that when it comes appropriations time, the moneys that are necessary to put the people who really are a danger to themselves and others on the national criminal background check, that they will get there, and that those who should not be there will not be there. So it is a balance, a balance for protection, but it is also a balance to preserve rights, especially for our veterans—the very people who continue to

protect our rights. They are going to be preserved.

Myself and Senator SCHUMER sent a letter to the ATF asking them to reconsider some of the wording in their ruling because it puts people in there who should not be. We are hopeful that they recognize that, and that they, because of a bipartisan query, do a rulemaking process that really directs this where it should be. When that happens, we will have finished everything we need to do, except get the dollars appropriated to implement this act.

Again, my hat is off to Senator SCHUMER and those who have worked tirelessly to get this done. It is with great appreciation for the manner in which it was handled, and it is my hope that we will pass this on and see the great accomplishments of protecting people from those who are a danger to themselves and others.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I see that the very able Senator from New York, Mr. SCHUMER, is on the floor. May I ask if he wishes me to yield to him.

Mr. SCHUMER. Mr. President, I ask my colleague from West Virginia if he might yield to me 5 minutes.

Mr. BYRD. Mr. President, I am glad to do so.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my distinguished colleague and our great leader from West Virginia, Senator BYRD, for yielding. Unfortunately, at the end of session, there are many needs that intercede.

We have just heard that the hold on a bill will be lifted. I want to get it moving so it can get over to the House before they leave. Once again, the Senator from West Virginia is not only gracious and capable, but he has been kind to me from the day I came to the Senate, and it is something I will always treasure. I thank my friend.

Mr. BYRD. I thank the Senator.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. SCHUMER. Mr. President, I rise in support of the Leahy-Schumer substitute to H.R. 2640, the NICS Improvement Amendments Act of 2007. I have just been told a hold which had been placed against this bill is about to be lifted.

At its core, this bill does something that has been too long in coming. It gets States critical resources they need to upgrade the mental health and conviction records they use to screen prospective gun buyers.

These records go into the national instant criminal background check system, the NICS, that we rely on to screen for those who should not be allowed to buy guns. It has the support, I am proud to say, of both the Brady organization and the NRA. This was a collaboration that occurred over the last year.

I also thank my colleague from Oklahoma, Senator COBURN, and my colleague from Massachusetts, Senator KENNEDY, because both agreed last night on final language.

Today, millions of criminal and mental health records are inaccessible to the NICS, mostly because State and local governments have noncomputerized or outdated records. Furthermore, the process is spotty, as States are not required by law to turn over all pertinent information that could prohibit a person from buying a gun. As a result, many people who simply should not have guns are allowed to purchase them.

This bill will address that problem. In a word, without affecting a single law-abiding citizen's gun rights, the bill will make America safe.

I started working on this legislation a long time ago in 2002, along with my colleague Representative CAROLYN MCCARTHY. That was when on Long Island, in my State of New York, a gunman who was a paranoid schizophrenic slipped through the cracks of the system and bought a .22 caliber semiautomatic rifle. He then took that gun, walked into a morning service at Our Lady of Peace Church and gunned down its beloved priest and one of its most prized parishioners.

So Representatives CAROLYN MCCARTHY, JOHN DINGELL, and I worked on legislation to help improve the background check system. We wanted then, as we do now, to make sure no more dangerous people are allowed to get guns.

Over the years, as it often does, the political process played out. It would pass one House but not the other, and the bill was stalled.

As this has gone on, we have not stopped working and have kept alive the faith this legislation would one day become law. Through it all, every one of us hoped desperately that there would not be another preventable tragedy, another time when the system failed. But on April 16, 2007, our deepest fears came true.

I do not need to recite the facts of what happened at Virginia Tech. Every one of us is aware of the unspeakable horror that took place on the campus last April. We can never know if we could have prevented the shootings. What we do know, however, is that a very dangerous individual with a history of mental illness was allowed to buy two handguns.

It is a shame that we are again called to act on this 5-year-old legislation in the face of tragedy. But now is Congress's moment to take a huge step toward fixing a broken system.

The House passed a bill on June 13, 2007. Around the same time, Chairman LEAHY and I began work on a similar bill. As I said before, I thank Chairman LEAHY for his leadership in recognizing the importance of this issue. We attempted to pass the bill by unanimous consent. Senator COBURN, as was his right as a Member of the body, held the bill based on concerns he had.

Rather than try to go around our colleague, we worked with him. And I must say, from the beginning, Senator COBURN acted professionally, respectfully, and in good faith.

When it comes to guns, I do not agree with TOM COBURN on much, but he and I sat down at length and worked through our differences on this bill. I can say with full confidence, this bill is something on which both of us can agree.

At the heart of the concerns of my friend from Oklahoma were fears the bill, as originally drafted, could have the unintended consequence of jeopardizing the rights of law-abiding veterans.

This not being a gun control bill, and it has never been our intent to jeopardize the rights of lawful citizens and veterans, we have made changes to address our colleague's concern, and he told me he will lift his hold as a result.

Remember, I was an original sponsor of the Brady bill. I care about seeing the background check process work the right way. I will not support legislation I believe will hurt the system. But today we have a great accomplishment. It is fitting that at the end of this session we are there, proud of the bipartisan process. Chairman LEAHY, Senator COBURN, Senator KENNEDY, and I came up with a solution last night at about 11 p.m. on the floor. Senators COBURN and KENNEDY shook hands, as I watched, and we have come to an agreement. Through all this negotiation, this bill has the backing of both the Brady Campaign to Stop Gun Violence and the National Rifle Association.

So now the hard work is done. We must pass this legislation. We must get it back to the House for them to pass again before they adjourn, and then we must get it on the President's desk to be signed into law. The parents of Virginia Tech families and millions of other Americans, including those at Our Lady of Peace congregation on Long Island are waiting for this moment. We have waited a long time. As citizens and parents, we must do everything to see that we do not have another Our Lady of Peace shooting or another Virginia Tech shooting. I urge my colleagues to support the legislation.

I will say again this is an example of how the system should work, and in a few moments I will be asking unanimous consent to move the bill forward, but before doing so, I yield my time to my colleague from West Virginia, because they are doing the paperwork, and I thank my colleague from West

Virginia for his courtesy and his kindness.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from West Virginia.

CHRISTMAS SPIRIT

Mr. BYRD. Madam President, soon the Senate will recess for Christmas. Members will travel home to their families and to their States to share in Christmas parades and tree lightings, Christmas cantatas, and festivals of lights. They will decorate their own trees and attend the Christmas season celebrations in their own churches. Some will make trips to Iraq or Afghanistan, while others will comfort people who are struggling to recover from wildfires or the recent devastating snow and ice storms that have left so many homeless and without power. I join in the prayers for their swift recoveries, and I rejoice in the fellowship and the support that are flowing to Americans in need all across the Nation and all around the world. That fellowship and that support is the true spirit of the Christmas season.

Everywhere, everywhere, Christmas tonight!
Christmas in lands of the fir-tree and pine,
Christmas in lands of the palm-tree and vine,
Christmas where snow peaks solemn and white,
Christmas where cornfields stand sunny and bright.
Christmas where children are hopeful and gay,
Christmas where old men [like I] are patient and gray,
Christmas, where peace, like a dove in its flight,
Broods o'er brave men in the thick of the fight;
Everywhere, everywhere, Christmas tonight!
For the Christ-child who comes is the Master of all;
No palace too great, no cottage too small.

Christmas is a special time, no matter where the season finds us. Somehow, Christmas lights create their special magic, whether they are hung on snow-laden pine trees or wrapped around stately palm trees. Christmas carols never fail to bring a nostalgic glow, as they bring to mind our childhood celebrations. The smells and fragrances of Christmas recall their own delightful memories—the tang of pine boughs brought indoors, the spicy warmth of cinnamon, cardamom, cloves and mace, the licorice scent of anise, the exotic aroma of nutmeg. Christmas baking is one of the best parts of the holiday—Erma always looked forward to that part. Christmas baking is one of the best parts of the holiday, she would say—as the house fills with mouth-watering aromas. My own childhood Christmases were spare, not lavish, but they were full of love, given to me by a wonderful old couple who have gone on now to meet their reward in heaven.

Today's Christmases should be full of special food and lots of music, and if it were like it used to be, it would be played by me, that music would be, on my fiddle, to entertain my mom and dad, their friends and their borders. My mom ran a boarding house. We never had very much at Christmas, not much compared to some of the extravagant gifts advertised these days, but our simple celebrations left us more time to enjoy some company or the church services or read a Christmas story together.

Every family, every town builds its own Christmas traditions. Some families visit or host Christmas open houses. Other families gather for a traditional Christmas meal. In some towns, people bundle up to watch floats go by in the annual Christmas parade, followed by a tree lighting ceremony. We have done that in the Nation's capital. I myself have lit the tree. There are Christmas tree lighting ceremonies at the White House and on Capitol Hill. At Arlington Cemetery and at other veterans cemeteries around the Nation, the simple act of a single man has grown into a Wreaths Across America, an effort to put fresh wreaths on the graves of veterans across the Nation, honoring those who will never be home again for Christmas. Other volunteer efforts send living Christmas trees to the troops overseas so they, too—our troops, your troops, my troops; our soldiers, sailors, and our airmen—can share in the Christmas season. In the busy press of family traditions, it is heartwarming to discover how many people still find time to remember and celebrate the sacrifices made by others.

Although Christmas can bring with it even busier schedules for already busy people and monetary stresses for parents trying to make the day a special holiday for their children, it is important to recall the greatest gift of Christmas is the one embodied in the nativity scene—the great gift of unconditional love and hope wrapped in swaddling clothes, given by our Creator—our Creator Almighty God—to inspire us with His teachings of good will and caring toward all men.

And so, my colleagues, my friends, dear ones all of you; staff, those who watch over us every day, it is my Christmas wish that we all keep more of that Christmas spirit with us throughout the coming year. Charles Dickens said it best:

I will hold Christmas in heart, and try to keep it all the year.

I guess it was the American editor and author, Oren Arnold, who lived from 1900 until 1980, who suggested a wonderful Christmas gift list for all of us:

To your enemy, forgiveness; to an opponent, tolerance; to a friend, your heart; to a customer, service; to all, charity; to every child, a good example; to yourself, respect.

Madam President, I wish you and Louisiana, near the great bay and the waters which wash over the soil on which I used to walk with my wife—I wish you, Madam President, and everyone listening, a very Merry Christmas and a Happy New Year filled with peace and happiness. My God bless you all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first I extend my holiday greetings, my Christmas greetings, to my colleague and friend, Senator BYRD, as well as to you, Madam President, and my colleagues from New Jersey, Pennsylvania, and everyone else in this Chamber. May God give a wonderful year to them and their families.

Madam President, I thank you for your help with this next particular issue.

The PRESIDING OFFICER. The Senator from New York is recognized.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. SCHUMER. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 2640 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, today, the Senate took an important step forward to improve the National Instant Criminal Background Check System, NICS, the Nation's background check system for gun purchases. Along with Senator SCHUMER, I have worked hard to craft this compromise legislation that respects the rights of gun owners and, at the same time, makes sure that the NICS system will work more effectively. This compromise has not been easy, as many have strong views on issues surrounding this bill, but working with Senators on both sides of the aisle, we have forged strong, fair legislation to address serious shortcomings in the Federal program. Throughout the process, we have taken great care to make sure Federal law governing who can own or possess a firearm remains unchanged. The Senate language makes clear that the correct records will go into the NICS system, that any records improperly in NICS will be removed promptly, that legal notice and due process considerations will be required in Federal proceedings, and that the States have sufficient support to meet the goals of the bill. We have been responsive to the legitimate concerns of veterans and advocates on both sides of the issue, and at the same time, we have worked hard to correct weaknesses that have been exposed by the tragic events of the last year.

The senseless loss of life at Virginia Tech this spring revealed serious flaws in the NICS system, particularly in the transfer of mental health information

relevant to gun purchases between the States and the Federal Government. Deficiencies in the current NICS system, including a significant lack of funding, permitted the perpetrator of this terrible crime to obtain firearms and ammunition despite having a mental health history that made him ineligible to buy or possess a firearm under Federal law. He was able to pass a background check and purchase the weapons he used in his attacks because data was missing from the NICS system.

In response to this devastating tragedy, the Judiciary Committee worked hard to produce a comprehensive legislative proposal related to issues of school safety, and in August unanimously reported the School Safety and Law Enforcement Improvement Act of 2007, SSLEIA, to the full Senate. As part of this legislative package, we drafted title II of SSLEIA to include an amended version of the NICS Amendment Improvement Act of 2007, H.R. 2640, that passed the House in July. Today, the Senate passed a revision of title II from SSLEIA, as the Leahy-Schumer amendment to H.R. 2640, which closes the gaps in the NICS system that allowed the purchase of the firearms that were used in the Virginia Tech killings. I hope the House of Representatives will take up and pass H.R. 2640, as amended, as soon as possible.

The Leahy-Schumer amendment largely mirrors the language of H.R. 2640 as passed by the House. But it also makes modest but important changes to that bill in order to ensure this new law works effectively and fairly for all Americans. It creates a legal regime where the reporting of disqualifying mental health records, both at the State and Federal levels, will be improved. This bill will also require Federal agencies to report mental health and other disqualifying records into NICS and would create significant new incentives for States to report this same information. These basic features of the amendment are the same as in the House bill. Additionally, the bill contains provisions directing Federal agencies to establish relief from disabilities programs through which individuals who have overcome a disqualifying mental illness or disability may reclaim their rights, and urges the States to do the same.

As I reviewed this issue, however, I determined that additional changes were necessary both to improve the NICS system further and to better enable States like Vermont to implement these improvements. By tempering the penalties for insufficient participation by the States in meeting the bill's goals, and increasing incentives for full participation, I am hopeful that the bill will strengthen the partnership between Federal and State authorities in search of a common goal. The NICS system is only as good as the information that is reported into it, and to achieve success in improving NICS, we must recognize and adequately support the States in this challenging undertaking.

I want to thank Paco Aumond, director of Criminal Justice Services at the Vermont Department of Public Safety, for working with me to identify those changes in the legislation to ensure that Vermont and the many similarly situated States will be more easily able to make the comprehensive improvements necessary for a more effective NICS system.

Nothing can bring back the lives tragically lost at Virginia Tech, and no legislation can be a panacea, but the bill we pass today will begin to repair and restore our faith in the NICS system and may help prevent similar tragedies in the future.

Mr. SCHUMER. I ask unanimous consent a Leahy-Schumer substitute amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment (No. 3887) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (H.R. 2640), as amended, was read the third time and passed.

The amendment was ordered to be engrossed and the bill to be read a third time.

BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2007

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3890, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3890) to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent the Biden-McConnell amendment at the desk be agreed to, the bill as amended be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3888) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The title amendment (No. 3889) was agreed to, as follows:

The title is amended to read as follows:

''An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3890), as amended, was read the third time and passed.

Mr. SCHUMER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that following my time on the floor, the Senator from Pennsylvania, Mr. CASEY, be the next Democratic speaker in line.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR BYRD

Mr. MENENDEZ. Madam President, I came to the floor for a specific purpose, but I had the good benefit of listening to the distinguished senior Senator from West Virginia's holiday greeting. It was a very warm, loving greeting as well. I am glad I made it to the floor to listen. I thank him for his incredible service in this institution and for taking those moments to talk about our humanity collectively. This is a great time of the year in which that humanity gets to be recognized.

Mr. BYRD. Madam President, I thank the incredible Senator who now holds the floor and speaks with such aplomb and dignity, befitting a Roman Senator.

IRAQ

Mr. MENENDEZ. Madam President, as we celebrate this holiday season with our families, as we gather with those we love and give thanks for our tremendous blessings, we remember how incalculable the losses have been to the families of the 3,888 soldiers who have been killed in Iraq. Their losses cannot be tallied, not in the number of Christmas nights spent without the one they loved; not in the number of days since their wives, husbands, parents, and children left home forever. We cannot calculate the strain on the 28,661 wounded soldiers and their families, many of whom will be spending this precious time of the year in a military hospital, coping with their blindness, living with only one leg or arm, sleeping through nightmares of the battlefield instead of the beautiful dreams they used to know this time of year.

As we hold them in our hearts—as well as all of the men and women in

uniform across the globe who serve to protect the country and to promote its interests, for which we have eternal gratitude—as we hold them in our hearts and express that gratitude, we also watch our money slip away from us in Iraq. That is a casualty we can and must count.

I have come to the floor over the last 2 months to talk about the cost of Iraq to us at home. The lives lost in Iraq cannot have a price put to them. Their sacrifice and that of their families have no price. The human suffering of those who have been wounded also has no price.

But there is also a price that is calculable at home, and it is what the war is costing not just in dollars from our Treasury and debt cast upon on the next generation of Americans, but what it is costing in lost opportunities at home. There is a brutal holiday irony that is no cause for festive spirit in Washington.

The irony is this: President Bush and his Republican allies in Congress held hostage some key investments we need to make right here in our country, in order to extract a promise of more money for the war in Iraq.

They are asking for more than $150 billion more for Iraq next year, but at one point they threatened to starve the entire Government of funding over a difference in the Federal budget that amounts to less than one-tenth of what the President wants to spend on the war next year. He was ready to shut the whole Government down over the difference of what amounts to less than one-tenth of what the President wants to spend on the war next year.

Mr. BYRD. Shame.

Mr. MENENDEZ. This holiday season we wondered if President Bush wanted to be Scrooge to America and Santa Claus to Iraq. Over the last several months I have spoken many times about what the American presence in Iraq is costing at home. The true cost of the $455 billion we have spent on that war and the $10 billion per month we continue to spend might never be more clear than it is right now, at a time when Congress debated the budget for almost the entire Federal Government.

While we have been here crunching numbers, American families are feeling the crunch of a few numbers themselves: the interest rate on their mortgage that is about to jump beyond what they can afford, the price on the gas pump when they fill their tank, the price of heating oil and natural gas, higher grocery bills, fare hikes or threats of hikes on public transportation, and the skyrocketing costs of providing medical care for themselves and their children.

The President's consistent threats to veto funding for Federal Government operations forced across-the-board cuts to programs and services that so many Americans are counting on. This winter, as snow and ice fall on roads across America, people are waiting for better ways to travel. They are waiting for expanded, affordable public transportation, progress on efficiency, and new sources of fuel and power. They are waiting for our Nation to fill our energy portfolio with something other than the usual energy sources.

The omnibus spending bill the Senate approved this week would inject another $1.7 billion in the development of renewable sources of energy, such as solar, wind, and geothermal. It is an important step—but it could have been much greater.

Republicans have consistently objected to bigger steps. They said weaning us off fossil fuels is too expensive. Meanwhile, they have insisted that oil companies need more multimillion-dollar tax cuts. Meanwhile, we spend enough money to pay for that entire renewable energy package in Iraq in just 5 days—in just 5 days.

Mr. BYRD. Five days.

Mr. MENENDEZ. Energy independence for our country, stopping giving foreign countries that wish us harm the ability to have the resources to make that harm happen, and that we could have funded for 5 days in Iraq. Those are the choices that we make.

Mr. BYRD. Hear that? Five days.

Mr. MENENDEZ. Five days, Senator BYRD.

Cancer patients going through the dark winter of their illness are waiting on lifesaving treatments that only intensive scientific research can discover. Congress has a bill before it to fund that research, but President Bush vetoed the funding once, and his allies in Congress have whittled it down as much as they could. The cost of the funding increase for that cancer research, to turn the winter of their illness into the spring of possibility? It is $329 million, or less than 1 day in Iraq.

Mr. BYRD. Less than 1 day.

Mr. MENENDEZ. This winter, while President Bush asked for billions more for security for the streets of Baghdad, he says we cannot afford to bring security to the streets of our own hometowns. The Senate proposed spending $55 million, in part to hire police officers specially trained to stop child sexual predators. We have seen the fantastic growth of the Internet—and that is great. It brings many good things with it. But it also brings challenges. The President did not just force funding to stop child sexual predators to be cut in half, he sliced it to less than a third of what it was. We could have made up the difference and fully funded the program to stop child sexual predators with what it costs to be in Iraq for just about 2½ hours.

Being able to successfully have the law enforcement capability to pursue child sex predators versus 2½ hours in Iraq. Where are all the family values we hear talked about so often? What ever happened to recognizing the importance of our children, who are truly our greatest asset, but also our most vulnerable asset? What are our values? What are our priorities?

There are too many provisions in this big funding bill that are absolutely essential, too many to name here. But the victims of the cuts that the President and his Republican allies have called for, the millions of Americans waiting for clean power that will not be produced, the cancer patients who are waiting for research that will not be allowed to happen, the communities trying to stop child sexual predators who are waiting for police officers who will not be hired: These people are also too many to name.

In that sense, even beyond the lives lost overseas, the cost of the war in Iraq has been incalculable. If there is one thing we must all acknowledge right now, it is this: The war in Iraq is not free, it is not without consequences here at home, and no one should be pretending that this war is free.

The Bush administration likes to parrot the line that we are fighting them over there so we do not have to fight them here. But Americans have figured out what they mean, and what they mean is: We are spending all our money over there so, by the way, we did not have it to spend here.

Above all, this is a question of values. Do we value our children, and value protecting them? Do we value our schools and the education we want our children to have so they can continue to make America the global competitive leader? Do we value the men and women who wear the uniform, not just by marching in a parade on Memorial Day or going to a Veterans Day service, which we should, but by taking care of their health care and their disabilities and taking care of their survivors, for those who commit the ultimate sacrifice, as a grateful nation truly does? Or will we neglect those and other priorities such as the health care of our children and of our families?

The Democratic budget bill set out for our values a clear and serious test. We cannot allow the budget to have a heart as cold as the ice on our front steps. We cannot let our financial stability melt away, and we cannot continue to let more of our money burn up in a war that has taken so much from so many for so long.

At year's end, we speak of renewal, we return to our families and witness a rebirth of hope. This season is about the best in each and every one of us. This season, decisions we make are going to test how we operate as a government and test what we stand for as a nation. There is no better time than now to let the best in American values guide our way: generosity, equality of opportunity, cooperation with one another, turning to each other instead of against each other.

We have the power to end unnecessary suffering and waste, and the chance to approach these tasks with a fresh sense of urgency that they require. As we rest and dream in the company of those we love, let us remember that December is the darkest

time of the year, but it is also the turning point when the sun begins to shine more and more each day.

Together we offer our wish, our hope, and our prayers that the dreams that have carried us so far of peace on Earth, good will toward all may yet still come true.

THANKING STAFF

Before I yield the floor, I would like to take the opportunity to acknowledge the individuals in my now second year here in the Senate whom I have seen work incredibly hard, but very rarely get acknowledged, all of those who help us as we preside: the clerks, who keep all of the documentation that comes before the Senate moving; the Parliamentarians, who try to keep us in some degree of order as we move along the way; the party secretaries and their staffs, who do such a great job on informing us as to what is happening and to try to keep somewhat of a schedule in terms of our lives here in the Senate; to those in the cloakroom who also produce that service; to the pages who have done a great job.

It was a privilege to have the opportunity to talk to so many of them. I think they are going to carry their experiences here with them a lifetime, and I am sure that maybe we will see some of them in this Chamber in the future.

To all of those who make this institution the greatest democratic institution in the world operate the way it successfully operates, my deepest thanks, my best for the holiday season.

With that, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Alaska.

Mr. LEVIN. Would the Senator from Alaska yield for a unanimous consent request?

Ms. MURKOWSKI. Yes.

Mr. LEVIN. Madam President, I ask unanimous consent that after the Senator from Alaska finishes, I understand the Senator from Pennsylvania would be recognized. I would then ask that I be the next Democrat to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING SENATE PAGES

Ms. MURKOWSKI. Madam President, I want to follow on the comments of my colleague from New Jersey in recognizing those who allow this body to function so efficiently and to also give special recognition to the pages.

Given the schedule they have, we are likely not going to be seeing much more of this particular group as they finish up for the holidays and their exams, and then move back to their respective States and their communities. But to all of you who have given so much to so many of us, to make our jobs a little bit easier, we thank you. Thank you very greatly. I believe this is an episode in your life that you will long remember, and hopefully it will be a good and positive experience for all of you. Thank you for your contribution.

WELCOMING RETURNING TROOPS

Madam President, I note that in my hometown of Anchorage, AK, this afternoon, there is a wonderful celebration taking place. The 495th out of Fort Richardson has all come home. They have come home after 15 months being over in Iraq, doing incredible work under incredibly difficult situations.

We mourn the loss of those who are not home, who will not be home. But today in Anchorage, the community is coming together to say: Welcome back. Please let us know how we can support you and your families, not only at this holiday season, but throughout the year, and support you for all the support you have given us.

We take time during the holiday season to show our thanks, to show our appreciation to so many. But I wish to recognize the soldiers and the veterans from Alaska, from throughout the whole country, who have given so much and who continue to give so much. We want them to know their sacrifices in serving us, whether it be in Afghanistan or in Iraq, have not gone unnoticed. Their sacrifices have certainly not gone unnoticed by my fellow Alaskans.

When I was in Iraq earlier in the year, I had the pleasure of meeting with soldiers and guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Slana, and Wasilla, all over the State. In hearing their stories and their commitment, you cannot help but feel proud as an American. I was certainly proud as an Alaskan. Every day I have Alaskans who write my office to praise the servicemen and the servicewomen who have returned and those who are still in combat. Sometimes it is a quick e-mail, saying: I support all of those who are serving, and other times they are very long, heartfelt letters praising our heroes and truly expressing a solidarity with them for the sacrifice they have made.

The fact that Alaska has the largest number of veterans per capita, I think says a lot about our State's character. Our Alaska veterans are some of the most exemplary in the Armed Forces. The 172nd Stryker Brigade out of Fairbanks was on tour in Iraq, and they were extended to 16 months. But when they were asked to give more, they remained strong, they remained proud. Last week, I received an e-mail from the former commander of the 172nd, and he sent along an article of an Iraqi, a young Iraqi girl who had been blind. Some of the solders in the 172nd had helped facilitate this young girl coming to the United States for eye surgery. This young child, this beautiful little Iraqi girl, is now able to see. She was given that gift of sight because of the caring and compassion of these solders.

Another story was shared with me by the former commander. He noted that on December 12, SGT Gregory Williams from the 172nd was presented with the Distinguished Service Cross, the second highest award for valor, for his actions while in combat in Baghdad. Despite being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To date, there have only been eight Distinguished Service Crosses awarded since the war began in 2001. So we are very proud of SGT Gregory Williams.

We say that we do things a little bit differently in Alaska. We enjoy doing things a little differently. There was one Alaskan marine who was over in Iraq. He discovered that he had some hidden talents he did not imagine. His innovative approach to searching out insurgents earned him a Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 black list or high-value insurgents while in his third tour in Iraq. He is an adventurous young man. Sergeant Henehan was barely out of high school and was anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver an inch.

Sergeant Henehan deployed in April of 2003 and spent his first tour in the town of Babylon. He served his country well. Like many who fought alongside him, he began to learn the undercurrents, the inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq's border with Syria in August of 2004. At that time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction, but still he felt he needed to do more. Before deploying for his third and final tour in February of 2006, he told his friends and his family back home that he wanted to make a difference in Iraq, a sentiment many American soldiers and guardsmen share. He spent a lot of time between his second and his third tours thinking about what he might be able to do differently, how he could learn from his experiences in the two deployments prior, and how he might be able to achieve a better result.

Combining his Marine training with information he learned from a retired Los Angeles police officer who was deployed to Iraq to teach the troops urban tactics, Sergeant Henehan approached his third tour with what he referred to as a beat cop mentality. He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and the geography of Husaybah for hours at a time. The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah block by block, and set up outposts called ''firm bases'' throughout the city.

So upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan's knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high-value insurgents he located. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with locals and learn about the town's social organizations and tribal boundaries, often returning several times to talk with the same families to gain their trust. He would bring with him candy, good humor, even doctors. He would knock on the doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child, sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair but tough leader with whom they felt very safe. His intense and proactive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldier's well-being gave them a sense of security. They, too, noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan's reputation for being fair and caring allowed him to detain all 18 high-value insurgents without any real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province.

Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he had learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked perhaps in part to his efforts and the efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer games and even talks of one day creating video games that more accurately portray what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly, his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes.

I wish him the best in all of his future endeavors, just as I wish the best for all Alaskan veterans and those now serving.

MEDICARE REIMBURSEMENT

Ms. MURKOWSKI. Madam President, I wish to take a few moments to speak on the issue of Medicare reimbursements for physicians, particularly those in rural and frontier States. We have moved forward a temporary fix of Medicare reimbursement for physicians, essentially for 6 months. I wish to speak to the issue for Alaska and other rural parts of the country.

In Alaska, many of our Medicare beneficiaries, even without this potential 10-percent reimbursement cut, lack the ability to see a primary care physician unless they have the means somehow to pay out of pocket for doctor visits. Without congressional action on a long-term strategy—longer than 6 months—to increase Medicare reimbursements, these cuts threaten access to care as fewer and fewer doctors are able to afford seeing Medicare patients. An American Medical Association survey shows that 60 percent of physicians reported they would be forced to limit the number of new Medicare patients they treat if the impending reimbursement cuts go through.

I get so many calls on a daily basis from seniors asking me to fix Medicare. They want to be able to continue to see their doctor. I know I am not the only Member who receives these calls. It is unfortunate, but America's seniors every year are thrust in the middle of this Medicare reimbursement debate out of fear that they are going to lose their health care provider to Medicare cuts.

In 2003, with great fanfare, we provided a Medicare prescription drug benefit. At that time, I asked the question: We can have a wonderful drug benefit, but what good is the benefit if there is no physician to write the prescription?

The Presiding Officer knows how big a State it is; she has had the opportunity to come for a visit. We are bigger than California, Texas, and Montana combined. ''Rural'' in Alaska has a new meaning. The physician shortage crisis in Alaska has been magnified because of our geography, distance, and size.

What many people might not realize is what is happening to our population. We have always been viewed as a young pioneering State where the average age is the early 20s and predominantly male—a wilderness image. But we have grown and matured. Our elderly population is the fastest growing senior population per capita in the Nation behind Nevada. That is a statistic which would surprise many people.

The Mat-Su Valley, an area just north of Anchorage, is the fifth fastest growing region among seniors nationally. Yet, think about that statistic and compare it with what is happening with our physician ratio. Alaska has the sixth lowest ratio of physicians to population in the United States. Outside of the Anchorage area, our ratio of physicians to population is the worst in the Nation.

To put it into context, we had a field hearing the first part of the year to understand how bad the situation is as far as access to care. To reach the national average of physician-to-patient ratio, Alaska needs a net increase of 980 physicians statewide or 49 more physicians per year. I go into some of these hospitals, VA clinics, and community health centers. They have been waiting years trying to find not only doctors but all within the medical profession, whether it is outpatient therapists all the way up to cardiologists. Fairbanks, our second largest city, got its first cardiologist this year.

According to the Anchorage Daily News, our largest newspaper, it costs 65 cents on the dollar to care for a patient in Alaska, and yet Medicare only reimburses 22 to 35 cents on the dollar. In addition to low reimbursement, we have other factors that drive the cost up. We have higher salaries, a higher cost of living, higher equipment costs, and higher transportation costs. Higher energy costs add to that.

We had a field hearing earlier in the year and had an individual testify before the committee. He was later quoted in the Anchorage Daily News:

> The costs [to practice] were so exorbitant and the fees for reimbursement were so low for Medicare patients, at the end of the day I could actually owe money for working a ten-hour day.

The sustained growth rate formula which has been in place since 1997 calls for nearly 40 percent in cuts over the next 8 years, even as practice expenses continue to increase. So how do we expect to entice more physicians to practice and care for our seniors, our veterans, if we threaten to cut Medicare reimbursements every year?

We know the time for Congress to act is now. I ask my colleagues, those on the Finance Committee, let's work on legislation that will provide a long-term reimbursement fix to ensure continuous care for the elderly, who may otherwise be left without access to care in the neediest of times. This is something we all must work to advance.

TRIBUTE TO SENATOR TRENT LOTT

Ms. MURKOWSKI. Madam President, yesterday was a day of tribute to one of our colleagues, a gentleman who has served his State and this country admirably for many years. I have not had the privilege to serve in the Senate with our colleague for as long a period as many of those who spoke yesterday, but I think we know it doesn't take long to realize how important has been the contribution of the Senator from Mississippi to this institution. I listened yesterday to so many of the kind words. I heard repeated time after time: statesman, leader of an institution, truly a statesman.

We all know of TRENT LOTT'S tremendous dedication to the institution that is Congress, 34 years of public service between the House and Senate, his creation of the whip organization in the

House that emphasized Member-to-Member contacts and outreach that are so important in building relationships, election to the Senate in 1988, Senate majority leader in 1996, and then Republican whip earlier this year. We don't want to lament the loss of a tremendous asset, but we need to always remember to celebrate those accomplishments, learn from them.

I learned that if there was a problem that needed to be resolved, you could go to TRENT to resolve it. When there was a compromise that needed to be brokered, TRENT could figure out how to make that happen.

I learned that when there was a shortage of tomatoes at the Lott household, TRENT knew he could just go a couple doors down the street and find some tomatoes in a friendly neighbor's yard. My husband and I have been neighbors with TRENT and Tricia these past 5 years. As neighbors, we share a lot of things. We share a lot of leaves. He blows the leaves down the sidewalk to my house, and my husband will blow the leaves back down to his house—good, friendly neighbors. I have always appreciated that.

Truly, whether it is the quick conversation between Members during votes or whether it is the closed-door sitdown when he comes to the office and says: LISA, I want to talk to you about this, TRENT knows the pulse of the Senate.

I would watch him on the floor. He was like a butterfly. He would come over and alight next to somebody, have a quick conversation, a talk, and then he would move over to another area and do the same thing, kind of going from person to person, always working but always friendly and always working to find a path forward. His ability to develop those relationships and work out a deal to everyone's satisfaction is a skill I certainly look to as a model for how the Senate should operate.

It is with great fondness that I wish my friend, my colleague, my neighbor well in his future endeavors.

I wish him and Tricia well and truly love as they embark on their next adventure. We do know there will be adventures. I thank him for his friendship, his service to this Nation and to this institution.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

UNANIMOUS CONSENT REQUEST—S. 1498

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 455, S. 1498; that the committee-reported amendments be considered and agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Madam President, on behalf of Senator COBURN, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Madam President, the Captive Primate Safety Act, S. 1498, is an important, bipartisan bill promoting the humane treatment of animals and protecting public health and safety from the considerable risks associated with primate pet ownership and trade.

On May 24, 2007, I introduced S. 1498, with Senators VITTER, LAUTENBERG, LIEBERMAN, and MENENDEZ. Senator ENSIGN is also a cosponsor.

Nonhuman primates are susceptible to many biological agents that infect human beings, including tuberculosis, Ebola/Marburg, and poxviruses. Because of the serious health risk, importing nonhuman primates into the United States for the pet trade has been banned by Federal regulation since 1975. In addition, many States already prohibit these animals as pets. Still, there is an active trade in these animals. Estimates are that 15,000 are in private hands; however, as the trade is largely unregulated, the number may be much higher. Because many of these animals move in interstate commerce, Federal legislation is needed.

This legislation amends the Lacey Act to prohibit transporting monkeys, great apes, lemurs, and other nonhuman primates across State lines for the pet trade. The bill has no impact on trade or transportation of animals for zoos, medical and other licensed research facilities, or certain other licensed and regulated entities.

The Captive Primate Safety Act is supported by the Humane Society of the United States, the American Zoo and Aquarium Association, the American Veterinary Medical Association, Defenders of Wildlife and the Wildlife Conservation Society and many other environmental organizations and animal welfare groups.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

EXPRESSIONS OF GRATITUDE

Mr. CASEY. Madam President, thank you. I appreciate your attention in presiding today, on a day when people are headed home. We are grateful for your presence here.

I join so many others—I do not want to be too redundant, but it is important to repeat expressions of gratitude—like a lot of people here, I have a lot of gratitude in my heart: gratitude for my wife Terese and my family for supporting me in my first year in the Senate; certainly for my staff—like so many Senators here could say of their own staff—I know it is true of mine; I have a great staff, and I am grateful for their help and their support and professionalism for almost a full year now; for the staff here in the Senate—I could go to any Senate office, but especially in the Chamber itself, all those who work so hard, day in and day out, year in and year out, to make this place work, and to guide even those veteran Members on parliamentary questions, but especially some of the first-year Senators.

We are grateful for your skill, your knowledge, and your professionalism, and we wish you and your families a happy holiday season at this time.

The same goes for my colleagues on both sides of the aisle, who have been so supportive of me as a first-year Senator. I will mention two in the interest of time: Senator REID, our majority leader, the majority leader of the entire Senate, and also, of course, the leader of the Democratic side of the aisle—a great leader for our party, but even beyond that, a great leader for the Senate. He is a man of great compassion and decency, someone who cares about changing the direction of the country, to move us in the right direction. He has done that very well. I am honored to serve with him.

Senator LOTT is going to be leaving us. I had the privilege of presiding yesterday when I heard all of the testimonials to his service. I was honored to be a small part—a witness of that Senate history. We wish Senator LOTT and his family all of God's blessings at this holiday season. But also beyond the season, we wish him the best of luck in his new life outside of the Senate. We are grateful for his service.

I have one more note of gratitude and best wishes, and that is to those who are serving our country in Iraq and Afghanistan and around the world—those men and women in our military the world over who are doing that brave and noble service every day. We are thinking of them. We pray for them at this time, as we try to throughout the year. But especially we are thinking of them and their families at this holiday season.

(Mr. SALAZAR assumed the Chair.)

AMERICAN FAMILIES IN CRISIS

Mr. CASEY. Mr. President, I am going to try to be about 5 minutes. I want to highlight a couple of issues, not only because it is this season but I think especially because it is this season, the holiday season.

When we think about families coming together, we think about hope, and we think about caring for people. We think about exchanging gifts. It is a time of happiness. But for some families it is not so. It is a very difficult time for a lot of families—not only during the holiday season but the winter season.

I was struck, unfortunately, in a very negative way the other day. I think it was yesterday. I picked up the Washington Post and read a story about President Bush's speech about the economy. We can go through that and debate what he said, but one of the first sentences in that article quoted him as follows—when he was talking about the economy:

There's definitely some storm clouds and concerns.

''There's definitely some storm clouds and concerns.'' That is a quotation from that article from the President of the United States. I have to say, I have never seen a crisis in the lives of a lot of families so understated, and I think irresponsibly so. I hate to say that, but there is no other way to say that in any other way.

It is not, Mr. President, just some ''concerns'' and some ''storm clouds.'' We are way beyond storm clouds for a lot of Americans. There are so many Americans who face the crisis of not having enough to eat this season. This Government can do something about it. We know that. We all know that if we are honest with ourselves. There are families who do not have enough resources or enough power in their own lives to be able to access the resources to heat their homes, so they are cold at this time.

There are a lot of other families who are facing other crises—health care costs and others, the subprime crisis. We could go down the list: the price of fuel, gasoline, and home heating oil. We could go down the list. But it is a crisis, and for a lot of hard-working Americans, they are bracing for a winter storm that has nothing to do with snow and ice. Many of these same working families are one emergency away from financial disaster.

In light of that challenge they face, I sent a letter to the President just over a week ago—actually before he made the statement about the storm clouds and some ''concerns.'' It is lot worse than that, I would respectfully submit to the President. I am not going to go through the letter. I ask unanimous consent that my letter to the President dated December 10, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 10, 2007.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Hardworking Americans are bracing for a winter storm that has nothing to do with snow and ice. Many working families are just one emergency away from financial disaster. Escalating costs of home heating, gasoline, food, and health care threaten to leave these families hungry and in the cold. In light of these circumstances, I urge you to provide emergency assistance to help local food banks and other programs meet the rising need this holiday season.

This winter, home energy prices are projected to reach record levels, increasing by more than 15 percent over last year. At the same time, the U.S. Department of Energy is predicting higher demand for home heating because the upcoming winter is expected to be colder than the last. The states' energy assistance directors estimate that with this combination of higher prices and higher usage, the average family will pay $2,157 for home heating oil this winter, $693 more than last winter.

Meanwhile, family hunger and food insecurity is on the rise. Last year alone, the United States Department of Agriculture (USDA) reported that 35.5 million Americans did not have enough money or resources to get food for at least some period during the year. This was an increase of 400,000 over 2005 and an increase of 2.3 million since 2000.

Families in states like Pennsylvania, particularly families with children, increasingly face difficulty meeting the needs to heat their homes and feed their loved ones. This kind of family crisis can have both immediate and longstanding effects. Research shows that babies and toddlers in families struggling to keep up with their home energy needs are more likely to be in poor health, have a higher risk of developmental problems, and have greater food insecurity.

Faced with the choice of eating or heating, many of these families are seeking help from food banks and emergency heating assistance programs. Yet America's food banks are facing critical shortages. Rising demand coupled with sharp drops in federal supplies of excess farm commodities and declining donations have forced food banks to cut back on rations, distribute supplies usually reserved for disaster relief, and in some cases, close their doors because of the lack of federal assistance.

Similarly, rising food costs and limited funding are placing great strain on the Women Infants and Children Nutrition Program (WIC), threatening service to some of the 8.5 million low-income pregnant and postpartum women and young children who participate in the program.

Under your proposed budget for the fiscal year 2008, more than 500,000 low-income women, infants, and children would lose access to food and nutrition services.

I was proud to join the Senate Agriculture, Nutrition, and Forestry Committee in unanimously approving a 2007 Farm Bill that includes over $5 billion in additional funds for federal food assistance programs. Passage of this bill will provide extra funding for food banks, increase food assistance to working families with high child care costs, and increase food assistance for low-income seniors. While the full Senate continues to work on this important legislation, we must take steps to immediately address the hunger-relief needs of millions of Americans across this nation.

Compounding matters, states report that they have insufficient resources to meet expected demands for home energy assistance. That is why Congress rejected your funding proposal for the Low Income Home Energy Assistance Program (LIHEAP), which would have cut the number of households assisted by 1.1 million, from 5.6 million to 4.5 million. Instead, we passed a bill to maintain the LIHEAP block grant at its current level of $1.98 billion and increase emergency contingency funding by $250 million to $431.7 million to meet the expected higher demand in the upcoming winter. Unfortunately, your veto of this bill stopped that relief in its tracks.

America's working men and women, seniors, and children desperately need your immediate help this holiday season. Specifically, I urge you to provide emergency assistance to help local food banks and other programs meet the rising need this winter season. While optimally The Emergency Food Assistance Program (TEFAP) needs an infusion of $27 million, I strongly urge you to transfer as much funding as is feasible to shore up America's emergency food supplies throughout the upcoming winter months. I also urge you to approve an appropriation that includes no less than $5.96 billion to fully fund the WIC program for FY08 and to approve the Farm Bill nutrition funding, including funding for TEFAP and the Commodity Supplemental Food Program (CSFP), when approved by Congress. Finally, I urge that you use your authority to release the remaining $20 million in the contingency fund for the Low Income Home Energy Assistance Program (LIHEAP).

As a nation, we must do all we can to bring light to families facing the darkness of hunger and cold during the holidays and throughout the winter. As we count our blessings in this season of hope, let us bring comfort to those who are vulnerable and need our help.

Thank you for your consideration of this important request.

Respectfully,

ROBERT P. CASEY, Jr.,
U.S. Senator.

Mr. CASEY. I will not read the letter, but I outlined some of these challenges people have in their lives. I asked him to do a couple of things. These things are not difficult to do. These things, literally, require his signature on either legislation that has just been passed or using his discretionary power as the most powerful elected official in the world to release small sums of money in the scheme of our entire Federal budget.

I will wrap up with this, four things I have asked him to do basically in this letter. First of all, No. 1, provide emergency assistance to help local food banks and other programs meet the rising need this winter season. There is story after story. I say to the Presiding Officer, you know it from your home State of Colorado. We know it all over the country. There is article after article about food banks stretched in a way they have not been. It seems as if the same story has been written across the country. Never before, in 20 years, some would assert, have we seen this. We have not seen this in years. They do not have enough resources to meet the demand of those who are hungry.

So I would ask the President to use his power—his power to provide that emergency assistance to those who are hungry. He has the power to do that.

Secondly, I ask the President to use his power to give full meaning to a great program, the Emergency Food Assistance Program, known here in Washington, like everything else, with an acronym, EFAP, the Emergency Food Assistance Program. It needs an infusion. This would be the optimal situation, if the President would do this for the American people. It needs an infusion, right now, of at least $27 million. I ask the President to get that done. And I think he could if he wanted to do this.

I urge him also to approve the bill we just passed, that massive piece of legislation last night. A lot of good things are in that bill. I will mention one or two. One is the Women, Infants, and Children Program—a tremendous program that helps pregnant women and postpartum women, as well as young children, with nutrition and other assistance. Thank goodness the bill we passed has $6 billion for it. I am told that is full funding.

I ask the President to sign that legislation for a lot of reasons—hundreds of reasons—but if he has no other reason,

to look at that part of that bill, the Women, Infants, and Children's Program during this holiday season; to sign the farm bill because of a lot of reasons, but in this context because of the nutrition funding which is included in it that I mentioned, as well as other nutrition increases. There are billions of dollars more for nutrition in the farm bill. So I ask the President, No. 3, to sign the farm bill.

And No. 4, and finally, to release the remaining $20 million in contingency funding for the so-called LIHEAP program—another acronym, the Low-Income Home Energy Assistance Program. A lot of people know about it and depend on it. Just $20 million; a tiny eyedrop worth of money in terms of a Federal budget into the trillions.

I ask the President not only to read a letter and not only to respond to it, but, most importantly, to take action which is asked for in this letter and the pleas for help from families across America. U.S. Senators, Members of Congress, and others have asked this President to do his part in this holiday season because the President, just like the Congress, has power—power to help people, power to improve their lives, and power to do all he can to help them every time throughout the year but especially at this time of the year.

I conclude with this: In this season of hope, let it be said of those who have power—real power—let it be said of those who have power that they helped those who are hungry, those who are cold, and those who will live through yet another season of despair. Let it be said of us, and let it be said of the President, that he fulfilled and met his obligation to help those Americans who need it, especially in this season.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

CONGRATULATING SENATOR CASEY

Mr. LEVIN. Mr. President, first, while the Senator from Pennsylvania is on the floor, let me congratulate him for an extraordinary first year in the Senate. He has made a real difference in his first year. We all are grateful he is present here to assist this Senate and hopefully achieving some very important results. I congratulate him on his freshman year.

Mr. CASEY. I thank the Senator.

MESSAGE TO THE IRAQI POLITICAL LEADERSHIP

Mr. LEVIN. Mr. President, I want to review the outcome of last evening's debate and vote on the Iraq amendment that I offered along with Senators REED, VOINOVICH, HAGEL, SNOWE, REID, SMITH, and SALAZAR.

The amendment expressed the sense of the Congress that the missions of the U.S. forces in Iraq should transition to counterterrorism operations, and training, equipping, and supporting Iraqi forces, as well as force protection, and that—and this is, perhaps, the most critical, the important part of the amendment we voted on—that it should be the goal to complete that transition by the end of 2008.

The vote on our amendment was 50 yeas and 45 nays.

Legislating on Iraq is a difficult matter because of the need to gain 60 votes in order to overcome a filibuster, and it was made perhaps even more difficult last night because the Republican leader stated that the President would veto the Consolidated Appropriations Act if it contained our amendment.

Now, imagine that. The President of the United States would veto funds for the troops if 60 or more Senators simply expressed their nonbinding opinion that a goal should be to bring most of our troops home by the end of next year. I would hope the President would welcome at least the nonbinding advice of the Congress and not threaten funding for the troops if that advice were forthcoming.

Despite a great deal of pressure, including the veto threat, our amendment secured six Republican votes—more Republican votes than amendments to change course in Iraq have secured to date. Senators VOINOVICH, HAGEL, SNOWE, SMITH, COLLINS, and DOLE joined 44 of the 46 Democrats who were present to produce a 50-vote majority in favor of our amendment.

I am confident that at least four of the five absent Senators would have supported our amendment, as they have done in the past. So we would have had 54 votes in favor of our amendment, which would have been the most votes thus far for this type of a policy change in Iraq.

Now, what does that majority Senate vote mean, last night's majority vote? What message does it send to the White House, the American people, the Iraqi political leadership, and the Iraqi people?

I believe the message is that more and more Senators are embracing the view that the American people reflected during the last election a little over a year ago; namely, that we want to change course in Iraq, and we want to have a reasonable timetable for the return of most of our troops, and that we have reached the limits of our patience with the Iraqi political leadership. I hope the President takes full notice of last night's majority vote, although the majority will was thwarted by a filibuster. I am sure he is aware of the vote, since the Republican leader said the President would veto the legislation if it contained our amendment.

I hope the American people understand a growing majority of the Senate agrees with their view that we need to establish a goal for the reduction of most of our forces in Iraq and the goal should be most should leave Iraq by the end of next year.

I hope the Iraqi political leaders understand a growing majority of the Senate is willing to vote to change course in Iraq as a way to bring pressure on them to make the long-promised political compromises that virtually everyone agrees are required to end the violence in Iraq.

I hope Prime Minister Maliki, in particular, understands what the U.S. Department of State said on November 21 about him and the other political leaders in Iraq. This is an extraordinary finding by the Department of State. I hope it gets somehow or other through to Prime Minister Maliki. Here is what the Department of State report said:

> Senior U.S. military commanders now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

I wish the President of the United States would read his own State Department report so that not only would the majority of the Senate adopt resolutions intending to put pressure on the Iraqi leadership by telling them the open-ended commitment of American forces is over, but that the President of the United States would tell the Iraqi leaders what his own State Department said in that November 21 report. It is so important that I am going to repeat it:

> Senior U.S. military commanders now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

I hope the members of the Iraqi Council of Representatives, the Iraqi Parliament, understand they must find a way to bring about reconciliation or face the consequences of squandering that window of opportunity provided by the military successes of the surge that, as General Odierno notes, will not be open forever. As I did after my trip to Iraq last August, I once again express my personal hope that the Iraqi Parliament will replace Prime Minister Maliki with someone who is willing to strongly push national reconciliation and to replace that Prime Minister with someone less connected to a sectarian group.

Finally, I wish to note that while last night's vote relative to Iraq was the last such vote this year, it is not the last vote the Senate is likely to hold on our policy in Iraq. The $70 billion approved last night is only about one-third the amount the administration has sought for Iraq and Afghanistan. The next time the Congress considers funding for the war in Iraq, of the many factors that Members will no doubt consider, none will be more important than whether Iraqi political leaders have compromised with each other and assumed responsibility for the future of their own country.

THANKING STAFF AND SENATOR SALAZAR

As others of my colleagues, let me add my thanks to our staffs, the Senate staff, our pages, all the people who make it possible for us to try to do the

best job we can do. We don't often express our thanks to our staffs, to our pages, but this is surely the appropriate time of year to pause for a moment to express that gratitude to them. Without their support, without their assistance, it would not be possible for us to function. They make it possible for us to do a lot better than we otherwise would and even to make it possible for us to do some important things once in a while.

I wish to also express my thanks to the Presiding Officer. General Salazar I almost called Senator SALAZAR—Senator SALAZAR has been of invaluable assistance to me on so many matters, and I know that feeling exists with other Members of the Senate. As I talk about Iraq this afternoon, looking at our Presiding Officer, Senator SALAZAR, I am reminded of the countless numbers of times and the efforts Senator SALAZAR has made to try to pull this body together to see if we couldn't make a difference in terms of Iraq policy. That effort to achieve a bridge across the aisle, to bring Senators together, is something which Senator SALAZAR does as well as any Member of this body. Even though we don't often or always succeed in achieving bipartisan results, we would achieve them far fewer times but for the assistance and help of our Presiding Officer. So I wish to add my thanks to him as well.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

ACCOMPLISHMENTS OF THE SENATE

Mr. SALAZAR. Mr. President, I come to the floor this evening, in the closing hours of the year 2007, to make a few comments.

First, at the beginning of this year, the beginning of this Congress and the first year, I believe, we have been a Congress of robust achievement, which has made significant change, and that we must also continue to be agents of change in the future because additional change is needed. We have done some good things for this country. There is much more change we need to do.

We have made change in moving forward and seeking a new direction in Iraq and holding the administration accountable on that issue. There is more we have to do in achieving that new direction in Iraq.

We have made significant change in terms of moving forward toward energy independence. There is more work we need to do to achieve real energy independence.

We moved forward in crafting the best farm bill, in my view, in several decades. We need to get that farm bill across the finish line.

We made progress in the Senate dealing with health care issues, including passage of the Children's Health Insurance Program. But we somehow need to get that over the President's veto pen and start addressing the other issues relating to health care and health care reform.

We have made progress in the arena of education, with passage of the Higher Education Authorization Act and providing financial aid to students across the country and the passage of the Head Start Program. But we now know we still need to move ahead and make more progress and be agents of change with respect to No Child Left Behind.

We have made significant progress in the Wounded Warriors Act, providing the resources we need to take care of our nearly 25 million veterans in America. We need to make sure we stay on top of those issues with 1½ million veterans returning from Operation Iraqi Freedom and Enduring Freedom. It is important that we not lose sight of the Nation's promise to take care of our veterans.

There has been a lot of good work done, but there is still more work ahead. We must, in this Senate Chamber, figure out a way to continue to be agents of change to bring about change in the direction of America.

I want to comment on a couple of the subjects I touched on.

First, Iraq. Iraq remains the major national/international foreign policy issue of the United States. The Presiding Officer, the senior Senator from Michigan, has helped lead us from the wilderness in which we found ourselves with respect to the war in Iraq to move forward to what I consider to be a different level of debate today in America.

For the first 6 years of this administration, they essentially controlled all of the cards. It was only with the change in leadership in the Senate and in the House of Representatives that, today, there is accountability that is occurring with respect to the war in Iraq.

The senior Senator from Michigan, the very distinguished chairman of the Armed Services Committee, has really led us in the search for trying to find that new direction for Iraq. It was the Senator from Michigan who conceived of the fact that we needed to move away from having our troops in a combat mission over to the more limited missions of counterterrorism, force protection, border security, and moving forward in the more limited presence in Iraq, and sending, as he has so often said on the floor of the Senate, an unmistakable message to the Iraqi Government and the Iraqi people that it is they who have to get Iraq together. It is not up to us in America or to our troops on the ground to resolve the political problems Iraq faces today. That unmistakable message the Iraqis have received would not have been received had it not been for the leadership of Senator LEVIN, Senator REID, and others in this Chamber who stood up and said we need to have a new direction in Iraq.

There may be some around the country who are saying: Well, what has happened, because we are still in Iraq and the money is still being provided to our troops? But there has been a significant change that has occurred. We know last night, for example, on the vote that occurred with respect to the funding of our troops in Iraq, the $70 billion provided to our troops was provided to make sure our troops are not without money as they carry out the mandate of the Commander in Chief. But it was not the $196 billion that was requested by the President of the United States. It was an installment. It is the first time we get to a point where there is this kind of sequential funding. That will allow the Congress and the Senate, under the leadership of Senator LEVIN, the Presiding Officer, to continue to move forward to try to seek a new direction in Iraq and to continue to hold the administration accountable with respect to its efforts on the ground in Iraq.

Yes, when I look at the issue of Iraq, from my perspective and involvement, I believe we have made significant progress in terms of creating a new direction and a new momentum in Iraq. I appreciate the effort of the chairman of the Armed Services Committees in that debate. I appreciate his leadership and for inviting me and others to go with him to Iraq a year or so ago, along with Senator WARNER. We were on the ground meeting with Iraqi officials, as well as our military leadership, to make sure we had the best information as we move forward with the issue on Iraq.

Secondly, I wish to comment on energy. For me, the issue of energy is one of the most important signature issues of the 21st century. I don't think we can do anything that is any less important. This is of monumental importance not only to the people of America but to our entire globe and all of civilization.

The legislation we passed this year, which the President signed today, is legislation that is important because it moves us forward in terms of getting a higher level of efficiency with respect to how we use oil, with respect to how we use electricity in our homes and buildings, and with respect to how we deal with carbon sequestration, to begin dealing with global warming. But there is more work we must do to move forward with an energy package that is something that is doable here among all of us in this Congress. We need to make sure the jet engine powers this clean energy economy into the 21st century, created out of the Finance Committee, which lost by 1 vote—we had 59 votes in the Senate to get that

package adopted—and that we get that across the finish line in the years ahead.

The automobile companies in our country need to have that financial assistance included in that finance package for them to be able to make the transition that is so important to get the higher efficiencies we are asking them to make. There is still a significant amount of work we must move forward with when we deal with energy.

In my view, the inescapable force that ought to bring us together, Democrats and Republicans, progressives and conservatives, ought to be the issue of national security. It ought to be the issue of the environmental security and the economic opportunity we have for our Nation. I hope our successes on energy this year are the beginning of a foundation that will continue to build in the years ahead.

Thirdly, on the farm bill, I am very proud of the work Senators HARKIN, CONRAD, CHAMBLISS, GRASSLEY, BAUCUS, and others accomplished in that effort. It is interesting to note that 78 Senators voted for that farm bill just last week. That is more U.S. Senators voting for that farm bill than any farm bill in the last quarter century. If the Presidential candidates had been here, we would have had 82 or 83 votes for that farm bill. It is a very good bill on what we do in our investments in nutrition and conservation and renewable energy, in all of those things which are important to making sure we have food security in America.

It is my hope that, as we move forward into a conference with the House of Representatives, that legislation can move forward to the President so it can be signed into law so that we can make sure we maintain the food security of America and that we also open a new chapter for American agriculture as rural communities and agriculture help us grow our way to energy independence.

On health care, it is a tougher issue, it is a tough issue, where there has not been significant concern or any concern, frankly, from this administration with respect to dealing with this crisis bankrupting so many American businesses and causing pain to so many American families. When we think about the statistics, the fact is almost 50 million Americans today don't have health insurance. In Colorado, almost 20 percent of the population of the State doesn't have health insurance. It is a crisis in America.

Yes, the White House has not seemed to really want to move forward with any kind of change with respect to health care that will address the pain occurring across America. We tried to make some movement in that direction by providing health insurance to 10 million children in America. If we are going to deal with health insurance, it seems we need to start providing that insurance to the most vulnerable, the children of our country. Yet twice the President vetoed the bills passed out of this Chamber and out of the House. It is my hope that we can return to deal not only with children's health insurance but other health insurance issues that are on the table.

Fifth, I come from a family—just like the Presiding Officer's family—who very much has recognized the importance of education. We very much see that the American dream is made possible through opening up those opportunities to come about through education.

I remember growing up on our farm, where my father would come around the table, and as we were gathered around the table with the kerosene lamp—because we didn't have electricity and a telephone at the ranch—he would say he was a poor man and there was not much he could leave us in terms of a legacy of wealth or a very large ranch. But the one thing he would say to those eight children gathered around that table was that he wanted them to get a good education. He would say: If you get a good education, which you will get because I will insist on it, that is something I prefer to give you over anything else in life in terms of riches because an education is something no one can ever take away from you.

Mr. President, until this year, there had been, in the last 6 years, a policy of disinvestment in education in America. Through the leadership of Senator KENNEDY and Senator ENZI, the higher education programs we reauthorized and funded will provide financial aid and educational opportunity to millions in America. To my own small State of Colorado, about $560 million of additional financial aid will be made possible to the young people who are seeking a higher education.

The passage of the Head Start Reauthorization Act is another investment in our young people. I come from a background of having served my State as attorney general. During the time I was attorney general, I was one of the participants and cochairs of an organization called Fight Crime: Invest in Children. We had a simple agenda. We were crime fighters, law enforcement, and attorneys general, but we realized it was important for us to keep kids out of trouble in the first place. So, as a consequence, our agenda was simple: invest in early childhood education and in afterschool programs. I think the investment we are making in Head Start and the reauthorization of that program is part of that agenda, and I very much appreciate the leadership of the Senate in getting that done.

Finally, returning to an issue in which Senator LEVIN, Senator AKAKA, Senator MURRAY, and others have been so much at the point of the spirit in leading us to a new level of investment and protection of our veterans, this bill, which we approved last night, which is now being considered in the House, which will move forward to the President, will, for the first time, invest in veterans health care at a level that the independent budget of the veterans service organizations have recommended. It is the first time that we have met those funding levels.

The Wounded Warriors Act, which is included in that legislation, will open up a whole new chapter of taking care of those who serve our country. I appreciate the leadership, again, of those who have been involved in that effort.

When I look back at what we have done in 2007 in the Senate and the Congress, yes, it has been a year of robust achievement, but it is also a fact that there is much change that is still needed. I look forward to working with the Presiding Officer and with the rest of my colleagues, both Democrats and Republicans, in achieving that change that is so much needed.

Let me quickly, also, as we move forward to this holiday season, say thank you to the troops who are overseas and to their families for their service and for their sacrifice. As we think about that service and that sacrifice, it is important for us to take stock that this is a real sacrifice.

The statistics today, December 19, 2007, do not gloss over the reality of war and the horrors and sacrifice of war: Total Americans killed in Iraq, 3,896; total Coloradans from my State killed in Iraq, 54; total soldiers from Fort Carson in Colorado Springs who have been killed in Iraq, 226; total Americans killed in Afghanistan, 468; total Coloradans killed in Afghanistan, 8; and the number of wounded over 30,000; the number of wounded in Iraq alone 28,711; the number wounded in Afghanistan, 1,840.

For those of us who have visited Walter Reed, as most of us have, we see the horrors of war with our wounded warriors. It is important that we honor them. It is important that we remember them. It is important that we pray for them in these times and we pray for their families as well.

Mr. President, finally, I say thank you to the leadership in the Senate, especially to majority leader HARRY REID, the man from Searchlight, NV. As he said earlier, even today in some of our meetings, he was a Capitol policeman. He never, frankly, thought someday he would be elected to Congress and then be elected to the Senate and much less to serving as the majority leader essentially in charge of this institution, and yet he is there today.

I am very proud of his work, as are all the rest of my colleagues. Through some very difficult times and difficult procedures, he has led us to have the robust achievements we have been able to accomplish in 2007. I am very proud of the fact that he is in charge as the leader of the agent of change as we move forward into the new year.

Mr. President, I thank you for your time. I thank you for your leadership and example in the Senate.

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. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:53 p.m., recessed subject to the call of the Chair and reassembled at 6:22 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

ORDER OF BUSINESS

Mr. REID. Mr. President, when we come back in January—we are coming back on the 22nd—we are going to immediately move to the Indian Health Care Reauthorization Act. I have spoken to the chairman of the committee, Senator DORGAN. We are going to do everything we can to finish that legislation on January 22. If we can't finish it January 22 or early on January 23, we are going to move immediately to FISA. I have had a meeting today, for example, with General Hayden and Admiral McConnell, to talk about FISA. I have told them it is going to be very difficult to get this done. It expires on February 1. It is something we need to do. It would be in the interests of everyone to have that legislation extended for a year. I offered to do that earlier yesterday, and the White House said, no, that wasn't a good idea.

We are going to do everything we can to complete that legislation quickly when we get back, after we do the Indian Health Care Reauthorization Act.

Also, one of the things we are going to do is, there is one Senator who has held up scores of pieces of legislation that have already passed the House. These bills have all been reported out of the committee by Senators BINGAMAN and DOMENICI. They are very important pieces of legislation dealing with the jurisdiction of that committee. What we are going to do, and what we have done, is all those bills that have passed the House of Representatives, we put them into one vehicle over here so we will have one vote.

I have offered to Senator COBURN, who is holding these up—I said, I am willing to let you have two or three votes on these. We have been more than reasonable waiting to work through this, in my opinion. I think it is unreasonable that he has held these up. We are going to complete this legislation one way or the other as soon as we complete these other items I mentioned.

I will have more to say about this in a little while, but I spoke to the Republican leader today, and we both have a good feeling about how we have ended the session. Both of us didn't get exactly what we wanted, but there was a feeling of cooperation and bipartisanship. I hope that spills over into next year—I certainly hope so, and I know Senator MCCONNELL feels that way.

I would like to spend a minute on nominations.

My staff, Ron Weich, who does such a wonderful job for me, indicates I said FISA should be extended for 1 year. It should be extended for 30 days, so we have an opportunity to legislate that during that period of time. I appreciate my staff correcting that statement I made.

We have been working with the White House for the last several days in an effort to reach an agreement that works for both sides regarding nominations. We were unable to reach such an agreement before the Thanksgiving holiday. That led to my calling the Senate into pro forma sessions to avoid the President's very objectionable recess appointments. My hope was I could avoid that prospect for the coming holiday. I tried very hard to work with the President. But he indicated he would still use the period of time that we would be in recess to appoint objectionable nominees.

I said go ahead—here are some. We will give you these—for example, the head of the Federal Aviation Agency, somebody on the Board of Governors of the Federal Reserve Board, the Chemical Safety Board. Go ahead and do those recess appointments.

He wanted a person who cannot get through the Judiciary Committee to be Assistant Counsel to the Attorney General, a man by the name of Bradbury. I talked to various members of the Judiciary Committee yesterday. They don't think the man is somebody who should be confirmed by the Senate. I would say, without a lot of hesitation, there is no chance he would be confirmed. It is my understanding he has already been recess appointed. I can't understand why the President wouldn't do what we have suggested.

My only solution is to prevent this and call a pro forma session again. I thought these jobs—there are more than 50 of them, career-ending opportunities for a lot of these people. These are very important jobs. All of them have to be confirmed by the Senate. I could be a Grinch. I could tell the President I will not move any nominations given his demand to make controversial recess appointments. That would mean more than 50 Republican nominees would not move forward today. So during the holidays it would be: Well, maybe when we come back in a month we can do something.

The Republicans would get about 60 nominations. We would get eight.

But I am not going to do that. I am not going to be the Grinch. We are going to go into pro forma sessions so the President cannot appoint people we think are objectionable, but I am not going to meet stubbornness with stubbornness. It is not good for the body politic; just because someone is being unreasonable means we have to be unreasonable.

Think about this. Because the President wants one person whom we cannot get out of the Judiciary Committee, he is willing to hold everything up. It doesn't sound like much of a compromise to me. I can't understand the rationale behind this.

I have spoken with Josh Bolton. Josh Bolton is a very pleasant person to deal with. He has a boss, and that is the President of the United States. So I called Josh Bolton and told him, as unreasonable as I think our President is being, I am not going to be unreasonable. We are going to confirm these appointments this evening; as I said, about 60 for the Republicans, 8 for the Democrats. And I will keep the Senate in pro forma session to block the President from doing an end run around the Senate and the Constitution with his controversial nominations.

I hope this is a Christmas present for these people. These are important jobs, and I wish them well in their jobs. I wish them all a Merry Christmas and a happy New Year with their new positions.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. I ask the Chair to lay before the Senate a message from the House of Representatives on S. Con. Res. 61.

The Presiding Officer (Mr. SALAZAR) laid before the Senate the message from the House of Representatives:

S. CON. RES. 61

Resolved, That the resolution from the Senate (S. Con. Res. 61) entitled ''Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives'', do pass with amendments:

(1) Page 1, line 2, of the Senate engrossed amendment, strike ''adjourns'' and insert: *recesses or adjourns*

(2) Page 1, beginning on line 6, of the Senate engrossed amendment, strike ''or until the time of any reassembly pursuant to section 3 of this concurrent resolution'' and insert: *or until such day and time as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first''*

Mr. REID. I ask unanimous consent that the Senate concur in the House amendment to the concurrent resolution and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed

to the immediate consideration of H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes.

Without objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 72) was ordered to a third reading, was read the third time, and passed.

FEDERAL ELECTION COMMISSION NOMINEES

Mr. REID. Mr. President, the Republicans have taken the very unusual step of objecting to a majority vote on their own nominee, Mr. Hans von Spakovsky. I offered them that option. The option was rejected. Mr. von Spakovsky is a very controversial nominee, but I said: Let's have a vote on him. Now, remember, we are not asking for 60 votes. We say: Have a simple majority vote. By that action, not accepting that offer, the Republicans are blocking the Senate from ensuring that the Federal Election Commission can function at perhaps the most important time—during a Presidential election year. What they have done will ensure that the FEC is unable to enforce the new ethics bill we enacted. The agency is in the midst of rulemakings on that law.

There are two conclusions I draw from the objections of the Republicans: First, even Republicans find Mr. von Spakovsky so objectionable that he would be defeated on a majority vote; and second, facing possible defeat for their own nominee, the Republicans would prefer to hold the remaining three unobjectionable nominees hostage and render the FEC unable to function in the next election.

We have offered them a majority vote. We said: We will take a position, a majority vote on all three. They said: No, now we want 60. So the FEC will be unable to function during the next election.

Both the New York Times and Washington Post recently editorialized about the absolutely critical importance of ensuring we have a functional FEC during a Presidential election that promises to bring record sums of money into our political system. Democrats agree. We are prepared to have a majority vote on each of the nominations. But this nominee has been controversial since the President recess-appointed him almost 2 years ago. That controversy stems from his well-documented work as a Justice Department lawyer in the Voting Rights Section.

The Republicans say he is a person whose work on matters that suppress minority voting, such as voter ID and the Texas redistricting, has nothing to do with his responsibility at the FEC, which we feel bordered on illegality, if not being unethical. Work on matters to suppress minority voting has everything to do with the Federal Election Commission. So I take issue with their statements that it means nothing.

The problem my colleagues and I have with him is that his prior work demonstrates that he is at least a partisan manipulator of our Federal election laws. That, it seems to me, is highly relevant to the advice-and-consent duty the Constitution puts in our care as Senators, but that is a decision each Senator in this body should be permitted to make. We are not going to be able to do that. Republican action today prevents us from making it.

Remember, a simple majority vote on their nominee, but they want 60 votes on ours.

It is important to note how we got here and the concessions that have been made on our side.

His history, not surprisingly, led to a number of Senators on our side of the aisle, Democrats—we imposed a 60-vote threshold on the nomination. We originally wanted 60 votes on this nomination. On the other side of the aisle, Republicans demanded that the Senate only consider the nomination of the remaining three noncontroversial nominees if he was confirmed by the Senate. These two positions could not be further apart. In view of that impasse, I have long suggested that the White House withdraw his name and substitute a new name of the President's choosing. Despite this, the nomination has endured.

As the days ran short in this session, my Democratic colleagues indicated to me that they would reconsider and allow a majority vote on each of the nominees. That resulted in my ability to make this offer to Republicans of a majority vote, and I thank my colleagues for their work with me in this regard. I appreciate very much that we could have a 50-vote margin on this controversial nomination and on the rest. That work should have meant that the FEC would continue to function. The Federal Election Commission will not be able to function. It should have meant that campaign finance laws would be enforced in the next election. It should have meant that the FEC would be able to complete its new binding rules as it relates to bundling, but it will not because Republicans have obstructed a vote on these nominees, including a vote on their own.

The Republicans seek confirmation even though a majority of Senators may not support that nomination. That, it seems to me, is truly extraordinary.

A lot has been said about the precedents of FEC appointments. A Republican Senator came out here yesterday and said there is precedent for this. Arguments made yesterday are that essentially FEC nominations always move as a package, always move together. But that is, of course, simply not true. It is true that FEC nominees have usually moved as pairs by unanimous consent, and that pairing of nominees is generally a rule on all boards and commissions: Here is a Republican, here is a Democrat; let's get it done. We do not need a lot of time on the floor. That is a fact, not by reason of precedent as much as by reason of necessity. Nomination pairing occurs because it gives both sides a reason to come to the table and confirm nominees.

There are also cases of FEC nominees not moving together by unanimous consent. One recent case is that of former FEC Commissioner Brad Smith. Mr. Smith was very controversial on our side of the aisle and required a roll-call vote, which he got. He succeeded in winning confirmation.

There are also cases I have known where a Republican President did not respect the Democratic selection of an FEC nominee. For example, President Reagan refused to send the Democratic selection of Tom Harris because the Republicans objected to his nomination.

These different examples do show there is no single precedent about how nominations are handled. As is so often the case of nominations, a lot depends, as it should, on the actual identity of the nominee in question. I do think, however, that as a rule the offer of a majority vote on a nominee is presumptively fair. If the nominee is so controversial that he cannot win the support of a majority of Senators, the Constitution and the rules of this body dictate the appropriate outcome for that nominee.

It is my hope that my colleagues on the other side will reconsider this position. I would hope this White House would reconsider their support for this controversial nomination. If they do not, the responsibility for a defunct FEC rests squarely on their shoulders.

DEMOCRATIC ACCOMPLISHMENTS

Mr. REID. Mr. President, we have reached the end of a long, hectic, at times contentious and frustrating but unquestionably productive first year of the 110th Congress.

We welcomed back our friend and colleague, Senator TIM JOHNSON, who has made an extraordinary recovery, and we were so happy this week to see him walk in the Senate Chamber.

We lost a friend in Craig Thomas, said hello to his successor, Dr. JOHN BARRASSO, and said goodbye to Senator TRENT LOTT last night.

We held an unusual three Congressional Gold Medal ceremonies, three of them this year. That is very unusual.

We honored the Tuskegee Airmen for showing America that valor is colorblind.

We awarded a Gold Medal to Dr. Norm Borlaugh for putting food on the tables of billions of people—not millions but billions. This scientist figured out a way to grow a lot of food very quickly.

The Dalai Lama was awarded the Gold Medal for planting seeds of peace throughout the world.

Of course, we tried to address the major issues that affect us at home and abroad. Although these efforts occasionally ended in frustration, the record will show we also made real progress on behalf of the American people in spite of the fact that yesterday the record was broken—62 filibusters in 1 year; in 1 year, they broke the 2-year record. The record previously was 61 filibusters in a 2-year period. Yesterday, it was broken in a 1-year period.

But as we return home to spend the holidays with our families and constituents, all 100 Senators can say with confidence that we have taken steps to make our country safer, stronger, and more secure—I guess after last night, with Senator LOTT's resignation, all 99 of us.

This Congress put working families first. We passed the first increase in the minimum wage in a decade to get the hardest working but least paid Americans more to make ends meet. Remember, 60 percent of the people who draw minimum wage are women, and for the majority of those women, that is the only money they get for themselves and their families.

We passed a bill to help Americans avoid foreclosures and keep their homes. According to RealtyTrac, Nevada has seen 47,000 foreclosure filings this year alone. This legislation is desperately needed.

We invested in community health centers, high-risk insurance pools, and rural hospitals to give lower income Americans a better chance for healthy lives.

We passed—and I was with the President as he signed it at the Department of Energy building today; he signed a landmark energy bill which will save consumers money on their heating bills, lower gas prices, and begin to stem the tide of global warming. For the first time in 32 years, we have increased fuel-efficiency standards—extremely important. We could have done better. I am happy we got this done. We were one vote short because we could not get another Republican, one vote short of passing legislation dealing with energy that would have been so wonderful. It would have given long-term tax incentives for our great entrepreneurs in America to invest in solar, wind, geothermal, bio. But we will be back in the next few months and try that again. I feel confident that we will pick up another vote.

We also have invested in education with funding for title 1, special education, teacher quality grants, after-school programs, Heat Start, and student financial aid—the most significant change in higher education as it relates to keeping kids in school and letting them go to school since the GI bill of rights. On higher education, we believe that all children, regardless of the wealth of their parents, should have an opportunity to go to college.

This Congress also made our country safer.

After 3 years of inaction by the Republican-controlled Congress, we finally have implemented the recommendations of the 9/11 Commission, which helps secure our most at-risk cities. It gives our first responders the communications tools they need in an emergency and improves oversight of our intelligence and homeland security systems.

We provided funds to replace the equipment our National Guard and Reserve have lost because of the war in Iraq.

We secured permanent funds for western wildfires and other disaster relief that makes our country safer.

This Congress has supported our courageous troops with more than words but action. Despite the President's opposition, we gave every man and women in uniform an across-the-board 3.5-percent pay raise. We provided much needed funds for body armor and other protective gear to keep our troops safe during this combat that they fight in Afghanistan and Iraq.

We exposed the awful neglect at Walter Reed and other military health care centers. We passed the Wounded Warrior Act and other legislation that ensures the veterans receive the physical and mental health care they need.

A fair reading of the RECORD will show that we have not accomplished everything we had hoped. This was not for lack of effort by us. On issue after issue, a majority of the Senate expressed support for change, only to be thwarted by Republicans in the minority wedded to business as usual, the status quo.

On Iraq, a bipartisan majority of Senators consistently supported changing course. Like the American people, this majority is saddened to say that after nearly 5 years, nearly 4,000 American lives lost, more than 30,000 wounded, a third of them grievously wounded, and some say as much as $800 billion spent, there appears to be no end in sight for the Iraq war. But last night, I think we showed that even Republicans are losing support for this war. The President asked for $200 billion; they got $70 billion. So even the Republicans understood that the President should not have a blank check.

Unfortunately, the President still refused to heed the call of the American people to responsibly end the war, as Republican supporters in Congress continue to stand by him. On more than 40 separate occasions, the President's supporters denied the Senate from even voting on a change in course. Only once did they step aside and let the majority speak, and on this occasion the President wielded his veto pen and halted our efforts to begin a phased redeployment of our forces from Iraq so we can focus on those who attacked us on September 11, bin Laden and al-Qaida.

Just today, the Washington Post reports that the people of Iraq believe they would be better able to reconcile the nation without our combat presence.

A major story in the Washington Post today pronounced that the Shias and all their different sects, the Sunnis and all the different Sunni sects, and the Kurds, all agree that the invasion is the problem in Iraq today. We are an occupying force. I quote: The Iraqis believe our presence ''is the primary root of the violent differences among them and see the departure of 'occupying forces' as the key to national reconciliation . . . ''

This has been clear for a long time, and the President should start listening. The war will soon be starting its sixth year. Even as the war rages on, this Congress has made a difference. Before Democrats took control of Congress, the President's Secretary of Defense was named Rumsfeld. He and the Bush White House and the Cheney White House conducted the war with total impunity. No dissent was tolerated. The patriotism of those who raised questions was attacked openly. Billions of taxpayer dollars were given to companies such as Halliburton with little or no accountability. But this year, Democrats have fought the President's recklessness in the harsh light of day. We forced the President to set benchmarks for legislative and political progress and required regular reports on whether these benchmarks were being met, which has shown that the surge has failed to reach its main objective—as set forth by the President, not us—political reconciliation. We compelled General Petraeus to testify. He has said repeatedly the war cannot be won militarily; it can only be won politically. We brought to light the Blackwater controversy and have begun to untangle the web of massive financial mismanagement in Iraq that has cost American taxpayers dearly.

Do I feel enough has been done? Of course not. Too many Republican Senators continue to fall in lockstep with the President on the war. It is frustrating for all of us who so desperately want to change course. The Iraq war has not been the only source of frustration. Bush-Cheney Republicans have set an all-time record for obstruction. They have almost made a sport of it. If my Republican colleagues had reached across the aisle to work with us more often, as we tried to do with them, they would have found us willing and eager to find more common ground.

Children's health insurance, about 15 million people have no health insurance in the country. But sadly, some of those people are little people. They are children. What we tried to do and did do on a bipartisan basis—and I appreciate my Republican colleagues for sticking with us—we passed twice a

children's health initiative that the President vetoed, a bill that would give 10 million children the opportunity to go to the doctor when they are not feeling well or even maybe for a check-up. They would have a place to go if they were in an automobile accident or some injury was suffered. The President vetoed that. So what do we have now? We have 5.5 million less children who have more limited benefits than we would have given them. Instead of 10 million children with a very nice insurance policy, we have 4.5 million children with a bad insurance policy—better than nothing but not a good one.

It is my goal for the coming year to redouble our efforts of finding common ground. I am hopeful my Republican colleagues will join us. I believe this year's session will be remembered more for progress than setbacks. Yesterday Senator MCCONNELL said: ''We have come to a very successful conclusion of this year's Congress.''

I agree and thank my Republican counterpart for those words. He and I have gone through some difficult times this year. The Senate has gone through some difficult times. Senator MCCONNELL and I have criticized each other at times, never personally but on a political basis. That is how it is supposed to be. Senator MCCONNELL has been at all times a gentleman. I have done my best to reciprocate.

I thank my 50 Democratic Senators I have the honor of being able to be the leader of for entrusting me with the office of majority leader. I am grateful for the opportunity to be a Senator. I am grateful for the opportunity to be the leader of these 50 wonderful men and women. I will continue to do the best I can during the next year, recognizing my failings and weaknesses, but also working on what strengths I have to the best of my ability.

I also take an opportunity to thank this staff, the people before the Presiding Officer, who do everything they can to make us look good. They work so hard. Some of us got home by midnight last night. Many of these people were here much later than that. When we get here in the morning, they are here earlier than we are. These are people who do all kinds of different work. I have been in Congress for 25 years. I don't understand all of what they do, but what they do makes our jobs meaningful and successful.

As we speak, we have plainclothes police officers here to protect us from the evil people who are trying every day to infiltrate this beautiful building and do harm to us and this building. I was a Capitol policeman, very proud of that. I carried a gun for the U.S. Capitol Police when I was going to law school. I am always trying to recognize their good work on our behalf.

Without identifying individuals by name, I am so grateful for the help I get. But I would be remiss if I did not mention two people, and that is Marty Paone, whom I depend on every day I am here—there are few hours I am here that I don't depend on him—and, of course, Lula Davis who runs this floor with an iron hand. I am not going to go through the entire staff, Trish and Tim and everybody, but I wanted to give special recognition to those two people who do so much for me on a daily basis. Then my personal staff: My chief of staff Gary Myrick, who works so hard and is separated from his family a lot more than he wants to be. That includes my entire staff, who devote long hours to me and the Senate and to our country. I am very grateful.

As I told my caucus today, these staff people are so well educated, so well trained, do so many different things. But they are interested in public service, trying to make this country a better place. That is what we are all here trying to do for our country. I wish every one a Merry Christmas and a Happy New Year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, as we bring the session to a close, I want to spend a moment speaking about how far we have come this year. Our leader, who was speaking about accomplishments, is someone whom we should all be thanking for his leadership in bringing us to a point where we have been making changes that affect middle-class families all across America in a very positive way. There is a lot more to do. We are anxious, frustrated, pushing hard, because there is a lot more to do. But we have made a great start. We have made a downpayment on the change families are asking us to make. It has not been easy because we have seen an effort of continually trying to block change, of filibusters which are a way to drag things out, slow things down, stop things from happening. It is quite extraordinary.

In the past, the highest number of filibusters was 61 over a 2-year period. Our Republican colleagues actually beat that in 1 year, 62 different times running the clock out, slowing things down. It was extraordinary to me as a member of the Agriculture Committee—and the distinguished Senator in the chair is also a committee member as well—to see almost 3 weeks of filibustering on the farm bill, an effort to address food security and energy security and move us forward on farm policy. Fortunately, we were able to get beyond that. But we have been able to get beyond this extraordinary wall of objections over and over again because of the amazing and consistent and dedicated leadership of our leader and all of those in leadership, our committee chairs and others who have been so dogged and diligent about wanting change to happen.

I did want to particularly recognize Senator REID, who is more committed to our fight to maintain the American dream and quality of life for families and businesses and farmers and Americans all across the country than anybody I know. I thank him for that.

We have achieved tremendous gains. We have seen change happen. We have raised the minimum wage this year. We have created open doors in a real way for people to go to college—for low-income families, we raised the Pell grant twice this year—but also to make sure that middle-income students can afford to borrow at lower interest rates, cutting interest rates in half in order make it possible to go to college and have the American dream. We have passed so many different bills that address our safety and security and opportunity for families. There is so much more to do. But we are focused. As we come to the end of this year and we think about all of what is affecting families today, all the pressures that families feel, it is important to say one more time that we understand, we get it. We are working very hard because time is of the essence.

Frankly, there are things that should have been done that haven't been done. We are going to be right back at it in January.

I am proud of the fact that we have addressed one of the major concerns for families in Michigan and all across the country who face the loss of a home because of the mortgage crisis, because of predatory lending practices or other circumstances in which they find themselves in a situation of losing their home.

Last week on Friday we were able to pass FHA reform that will allow more people to get refinancing for their homes. This is an important step. I am pleased to have led the effort to make sure the law was changed so that if somebody loses their home or refinances below their mortgage value, they don't end up getting hit with another tax bill on top of losing their home. We have a lot of families right now who are coming up to Christmas. They don't have a place to put the Christmas tree. They don't have a home now, or they are worried about whether they will be able to have their home next Christmas. There are tremendous pressures that families are experiencing on all sides.

We have been able to take two steps to address that: one, to make sure that if a family finds themselves in that situation, they don't also have the insult of adding a tax bill to their economic crisis. That is great. I am very proud of that. I am proud we were able to work together with colleagues on both sides of the aisle in the House and in the Senate and the President. I commend the President for working with us on that issue. I am hopeful he will do more of that. We need him working with us on hundreds of things that will make a difference in people's lives. But I am pleased in this one area where we were able to do that.

People are feeling squeezed. As the distinguished Presiding Officer knows, people are feeling squeezed on all sides in their lives. Too many people are seeing their wages go down, if they have a job. They see their health care costs go up, their gas prices go up, their health care costs go up—all the costs—the costs of college going up.

One by one, we are addressing those issues. We are focused on making change happen, to help families working hard every day who want to make sure the American dream is there for their kids and for their grandkids, who love this country. They are people who love this country and say: Hey, what about us? Is anybody paying attention to us? The majority of Americans who are working hard every single day, following the rules, who love their family, love their faith, and want to know somebody is paying attention to their needs and their lives and their desire to have that American dream and to have the American way of life. So we understand that.

I am proud to be part of the majority that has made a commitment to address those things—whether it is bringing down the cost of college, raising wages, being able to address the costs of gas and energy; whether it is addressing food and nutrition and conservation and alternative fuels or the mortgage crisis.

The common theme for us is: Making change happen for middle-class Americans and those who love our country and want us to help them be able to keep that American dream, by having the rules be fair and having it make sense for them in this country.

TRADE ADJUSTMENT ASSISTANCE ACT

Ms. STABENOW. Mr. President, in a moment, I am going to offer a unanimous consent request to pass H.R. 4341, which is a 3-month extension of something called the Trade Adjustment Assistance Act. We call it TAA.

But first I wish to speak for a moment about this program, because when we talk about families, when we talk about middle-class families—people who love this country, who play by the rules every day, and want to know that they can take care of their kids and have a job and a home and all those things we want for our children—we have a group of people in this country who, through no fault of their own, have found themselves losing their job because of this global economy we have—something called trade, jobs being shipped offshore.

Certainly, I support trade. We all support trade. But I want to export our products, not our jobs. Back when the free trade laws were passed, NAFTA and others, there was a commitment made by the Federal Government to help those who are caught in the middle, who lost their job because of trade policy.

Their job goes away, and the Federal Government is the one passing these trade laws. So the Federal Government said: OK, we are going to help people transition to new jobs, to be able to get the help, the support they need—some help for health care in the short run and be able to go back to college, go to community college, go to trade school, whatever they want to do to be able to transition, to be able to keep their standard of living, and, again, to keep their way of life.

We are in a situation right now where the Trade Adjustment Assistance Program will expire at the end of this year, and we have been pushing very hard for a simple 3-month extension. The House sent to us a simple 3-month extension of the current law until we can revise and update the law.

Now, I have to also say, I am very pleased, as a member of the Finance Committee, to be working with our chairman, to have joined him in introducing a very important bill to improve trade adjustment assistance, to be able to expand what we can do to more adequately meet the needs of workers and families and communities and small businesses that are impacted by unfair trade situations or the loss of jobs through trade.

But, right now, we have an immediate situation, an immediate situation going on that will affect thousands—tens of thousands, hundreds of thousands—of Americans across the country if this law expires. We have been doing everything possible to be able to simply get a 3-month extension. We did that once back in September—a 3-month extension. We are asking for another 3-month extension so we can pass this broader, more up-to-date law that will help more people.

When I think about this issue, it is something that is shocking to me, to think we would even have to be struggling with our Republican colleagues about a 3-month extension. I think about Greenville, MI, on the west side of Michigan, a town of about 8,000 people, who saw their Electrolux plant—they made refrigerators—that employed 2,700 people—they did a great job; they worked in three shifts; they were making a profit—but the company decided they could make a bigger profit if they moved to Mexico.

After a lot of discussion with the State, myself, and others in the Federal Government—how could we help them be able to stay—they said: Do you know what. You can't compete with $1.57 an hour and no health benefits, no pension benefits in Mexico. So they left.

The people in Greenville, MI, have been counting on the Federal Government to keep its promise through trade adjustment assistance, to be able to help them pick themselves up and continue their lives.

This is not some theoretical debate. I know these people. I know people in communities all across Michigan who have been told: Gee, we are sorry this current race to the bottom in trade, where you go to the lowest wage around the world, is affecting you. We are sorry about this, but at least there is the thing called TAA, trade adjustment assistance, that can help you.

Well, right now this is running out. It may not be there for new people who find themselves in a situation similar to the folks in Greenville. That is outrageous. When we think about the obstruction that has gone on, on this floor over and over and over again, the 62 different filibusters, the obstructions, the objections that have gone on, you would think, a few days before Christmas, the holidays—a time of charity and good will—we could come together, that our colleagues would join with us and simply allow a current law to continue for 3 months—just 3 months. That is it; just 3 months.

Unfortunately, our Republican colleagues have held this issue hostage over a totally unrelated issue. They have wanted to tie this to a dispute regarding the FAA. Certainly, the FAA is important, but they want to tie it to a dispute there and are blocking our efforts to simply move forward on a 3-month extension of something that directly helps working people in this country—families, communities. It helps families be able to stay intact, be able to move into this new economy, new world that everybody is talking about that involves a different kind of trade policy.

Our leader has offered that we will deal with trade adjustment assistance, a 3-month extension, but also address the unrelated Republican FAA proposal on its own, that both would be dealt with but dealt with separately. For some unknown reason, that was not acceptable. There has been a desire to tie them together and to object to proceeding on this very important effort to support families and to make sure nobody falls through the cracks come January 1.

That is the least we can do in the Senate. If this program expires, unemployed men and women all around America are going to be in a position to be denied the help they need to be able to continue on with their lives. Those who are currently involved in the program will be able to continue to receive help, but I can assure you, coming from a State in great transition right now, with thousands of people falling into that situation, where they need trade adjustment help, we have people who have been waiting and waiting and waiting and will find themselves in a situation on January 1 with no help.

This is not acceptable. This is absolutely not acceptable. It does not have to happen. There is absolutely no reason for this. We have a simple House bill in front of us—no secrets; very simple. Very simple: extend this critical program through Christmas, through New Year's. Get us into the new year so we can work out any other differences and let families be able to know we understand and we are not going to use unemployed men and

women, who are unemployed through no fault of their own—the plant picks up and goes to Mexico, goes to China, goes someplace else. This is not their fault. They want to work. They are great workers. They are going to continue to find a way to work. But to hold them as pawns at this time is shameful.

So, Mr. President, I am being told there is going to be a Republican objection. I received a note to that effect. I am told there is no one here who is able to object at this time. But due to the courtesies of the Senate, I will not ask, although I am very tempted, I have to tell you—but due to the courtesies involved in the Senate, and the rules of the Senate, I will not proceed to ask for unanimous consent because, in fact, I have received a notice that the Republicans will, in fact, be objecting one more time, one more time, one more time to our ability to support and help working men and women and their families for the next 3 months.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

EXTENDING AIP CONTRACT AUTHORITY

Mr. REID. Mr. President, Congress is currently considering proposals to extend contract authority for the Airport Improvement Program, which is known as AIP. If lawmakers—that is us—are unable to reach an agreement and fail to pass legislation extending contract authority before Congress adjourns for the year—that will be in a few minutes—the funding for critical safety, security, and capacity projects at airports throughout the country will be delayed.

The omnibus does not contain any funding authority from the aviation trust to pay for airport grants. The short-term extension includes such funding authority for 6 months and has formula changes that allow the Department of Transportation to run the program with only half a year's funding. If the separate FAA extension isn't passed, the Department will not be able to make any grants to airports.

Lack of contract authority for the Airport Improvement Program grants would cause significant impact. Unless rectified through authorization, the program would lose a construction season for airports that have had to bid contracts early due to winter weather for work in the spring and summer.

Delaying these funds would be particularly hard on small airports that rely on this funding as the primary source of revenue for infrastructure projects and those airports in parts of the country with short construction cycles.

Since Congress has been unable to pass a multiyear Federal Aviation Administration authorization bill, airports are urging Congress to pass legislation that will extend the authority through the end of March for a total of 6 months of funding.

Extending this contract authority through the end of March would provide airports with more than $1.8 billion in AIP funds. Extending the AIP contract authority through the end of March will allow the FAA to fully fund the Letter of Intent Program, which provides funding for critical infrastructure projects at major commercial airports around the country.

It was my intention to ask unanimous consent to pass S. 2530, the Federal Aviation Administration Extension Act for 2007, which was introduced earlier. It is my understanding that there would be a Republican objection, so, sadly, I will withhold asking for that consent.

I am disappointed that this is not going to be able to go forward. There are many airports around the country, airports in Pennsylvania, and I am sure in Nevada and other parts of the country that, simply will be unable to do what they need to do for the people who are so dependent on them, especially these rural airports.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another month has passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take time in the Senate to honor them.

Since last memorializing the names of our fallen troops on November 16, the Pentagon has announced the deaths of 39 troops. They lost their lives in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten. Today I submit their names into the RECORD:

PFC Juctin R. P. McDaniel, of Andover, NH
SGT Austin D. Pratt, of Cadet, MO
PVT Daren A. Smith, of Helena, MT
SFC Jonathan A. Lowery, of Houlton, ME
SSG Michael J. Gabel, of Crowley, LA
CPL Joshua C. Blaney, of Matthews, NC
SGT Samuel E. Kelsey, of Troup, TX
SPC Brynn J. Naylor, of Roswell, NM
CPO Mark T. Carter, of Fallbrook, CA
SSG Gregory L. Elam, of Columbus, GA
CPL Tanner J. O'Leary, of Eagle Butte, SD
CPL Johnathan A. Lahmann, of Richmond, IN
SPC Randy W. Pickering, of Bovey, MN
SGT Eric J. Hernandez, of Waldwick, NJ
PVT Dewayne L. White, of Country Club Hills, IL
CPT Adam P. Snyder, of Fort Pierce, FL
SGT Kyle Dayton, of El Dorado Hills, CA
SGT Blair W. Emery, of Lee, ME
SPC Matthew K. Reece, of Harrison, AR
SFC John J. Tobiason, of Bloomington, MN
CPL Allen C. Roberts, of Arcola, IL
PVT Isaac T. Cortes, of Bronx, NY
SPC Benjamin J. Garrison, of Houston, TX
SSG Jonathon L. Martin, of Bellevue, OH
SPC Melvin L. Henley, Jr., of Jackson, MS
SGT Alfred G. Paredez, Jr., of Las Vegas, NV
PFC Marius L. Ferrero, of Miami, FL
CPL Jason T. Lee, of Fruitport, MI
CPL Christopher J. Nelson, of Rochester, WA
2LT Peter H. Burks, of Dallas, TX
SSG Alejandro Ayala, of Riverside, CA
SGT Steven C. Ganczewski, of Niagara Falls, NY
SGT Mason L. Lewis, of Gloucester, VA
SGT Kenneth R. Booker, of Vevay, IN
2LT Stuart F. Liles, of Hot Springs, AR
SPC Ashley Sietsema, of Melrose Park, IL
CPT David A. Boris, of PA
SPC Adrian E. Hike, of Callender, IA
SGT Derek R. Banks, of Newport News, VA

We cannot forget these brave men and women and their sacrifice. These brave souls left behind parents and children, siblings, and friends; we want them to know the country pledges to preserve the memory of our lost soldiers, who paid the ultimate price, with the dignity they deserve.

FHA MODERNIZATION ACT

Mr. SUNUNU. Mr. President, last week, I was pleased to support passage of the FHA Modernization Act, S. 2338. This legislation will update the FHA program so that it once again is better able to provide many low-income and first-time homebuyers another option as they try to secure a mortgage for a new home or to refinance an existing mortgage under more affordable terms.

As some consumers experience credit tightening in the home mortgage and other financial markets, a byproduct of issues in the subprime mortgage market, the availability of stable financing alternatives is critically important to reducing the negative effects of the current market turmoil.

While the FHA Modernization Act is not a silver bullet, it represents a responsible step the federal government can take to benefit thousands of borrowers around the country.

Additionally, in the last several days Congress passed a measure, which I cosponsored, that encourages homeowners and their lenders to work out alternative payment plans that prevent individuals from losing their homes. The Mortgage Forgiveness Debt Relief Act, H.R. 3648, will protect taxpayers from an IRS tax bill in the event they have a portion of their mortgage debt forgiven. Under current law, homeowners entering foreclosure or refinancing their mortgage at a lower loan value due to a drop in housing prices, face an unfair and unwarranted tax. The last thing someone struggling to stay in their home needs is a huge tax obligation on income that they never saw. I expect the President to sign this legislation into law in the coming days.

In addition to the legislation recently advanced by Congress, the Federal Reserve proposed a rule this week that would prohibit lenders from making so-called ''no documentation'' loans where a borrower's income or assets are not verified; prohibit lenders from engaging ''in a pattern or practice'' of lending without considering a borrower's ability to repay a loan; restrict prepayment penalties on certain

loans; and require lenders to establish escrow accounts for property taxes and homeowners insurance.

The proposed rule would also restrict ''yield spread premiums'' that exceed the amount a consumer had agreed to in advance; prohibit coercion of an appraiser to misrepresent the value of a home; prohibit certain deceptive advertising practices; and improve certain truth-in-lending disclosures.

While I look forward, as a member of the Banking Committee, to reviewing the Fed's proposed regulations in the coming weeks, the committee should proceed cautiously as it considers more aggressive attempts to address current issues in the housing market. With the housing correction already under way and with the restricted credit availability that we are now experiencing, some of the proposals that have been floated may have the unintended consequence of exacerbating reduced credit availability at exactly the wrong time. Others may unnecessarily use taxpayer dollars to encourage unwise behavior in the future.

Any further legislation in this area needs to be thoroughly reviewed to ensure that it will have a positive effect on homeownership in this country, both now and in the future, and not simply rushed through Congress for the sake of political expediency.

One piece of legislation that the Senate Banking Committee should address as soon as possible is GSE reform. The House passed legislation earlier this year that strengthens the oversight of Fannie Mae and Freddie Mac. With the ongoing difficulties in the housing market, now more than ever it is imperative that Congress act to guard against threats to our capital markets and to protect against any possible negative consequences for taxpayers that could arise without proper oversight of these institutions. Fannie and Freddie have had a number of problems over the past several years and are so centrally important to the mortgage market that any further problems could have serious repercussions that could spread throughout our financial markets.

The GSE's regulator needs to be strengthened so that Fannie and Freddie can continue their important role in supporting the mortgage market. Any efforts to enhance their role in the mortgage market must not move forward until fundamental regulatory reform is enacted.

CONSOLIDATED APPROPRIATIONS ACT

Mr. SANDERS. Mr. President, last night I indicated my strong concerns about the omnibus appropriations bill, a bill that I expected to include all domestic spending as well as funding for the war in Iraq. Notably, I discussed my grave misgivings about funding for the President's disastrous, ongoing and ill-conceived war. I also raised my unease with last-minute additions of loan guarantees for questionable energy sources, such as the building of new nuclear power and for coal-related energy, especially coal to liquids.

Last night, I voted against an amendment to provide the President with a blank check for his war. Until even later in the evening, I thought that the war funding would be attached to the domestic spending legislation set for vote that evening. However, it was clear by the time of the domestic spending vote that the Iraq war funds were kept separate. I remain very concerned with the nuclear and coal loan guarantees that were inserted, I decided that, on balance, the domestic spending bill that would fund, among other important priorities, community health centers and health care for many Americans in need, deserved my support. I regret the insertion of the ill-conceived loan guarantees and will work with my colleagues to address them.

Mr. LIEBERMAN. Mr. President, the famous test pilot Chuck Yeager once said: ''Any landing you can walk away from is a good one. But a perfect landing is one where you can fly the plane the next day.''

When it comes to homeland security, the Omnibus appropriations bill which Congress approved last night is a good landing in the sense that we can all go home for the recess having improved funding for the Department of Homeland Security over the President's wholly inadequate budget request.

But it is not a perfect landing because it leaves some important initiatives stuck on the ground due to either a lack of funding or misplaced priorities.

First the good news: Overall the omnibus includes $38.7 billion for the Department of Homeland Security, DHS, for fiscal year 2008, including $2.7 billion in emergency funds for border security and other needs.

This is significant improvement over the President's $34.3 billion request, with the additional money going to help our first responders and State and local governments purchase equipment and receive the training they need to effectively respond to man-made or natural disasters; to better protect our ports and railways; to increase security on our borders and in our airports, and to confront the looming threat of terrorists attacking us at home with improvised explosive devices, or IEDs.

Specifically, the bill includes $950 million for FEMA's State Homeland Security Grant Program, SHSGP—the full level authorized in the Implementing the Recommendations of the 9/11 Commission Act of 2007, which Senator COLLINS and I authored. SHSGP grants provide critical support for prevention, planning and response efforts by State and local governments. They help fund training, exercises and equipment for our Nation's first responders and support fusion centers that allow officials to share information that can prevent terrorist attacks.

The omnibus also includes a combined $750 million for the assistance to firefighters grants and SAFER grants programs, both of which provide vital support to the nation's courageous fire fighters.

Also, the emergency management performance grants program, which supports all-hazards planning and preparedness, received an increase of $100 million over last year's level for a total of $300 million.

And a new interoperable communications grant program, included in the 911 implementation bill, will receive $50 million in funding a positive step towards what I hope will be a greater commitment to provide dedicated funding for what is still the number one priority of state and local officials.

FEMA which is in the midst of a much needed transformation prescribed in the Post Katrina Emergency Management Act, which I also co-authored with Senator COLLINS also does well in the Omnibus, receiving $724 million $189 million above its fiscal year 2007 level. This includes an additional $100 million for FEMA's core operations programs, which are critical to the agency's efforts to turn itself into a world-class response agency capable of leading our Nation in preparing for and responding to a catastrophe which it clearly was unable to do with Hurricane Katrina in 2005.

Rail and transit security grants receive $400 million, $225 million above 2007. These much needed investments will help improve security in transportation modes which have been largely neglected, relative to airline security, even though terrorists have time and again demonstrated that they are primary targets.

Port security grants are funded at $400 million as authorized by the SAFE Port Act $190 million above last year's level. The legislation also includes $13 million for the secure freight initiative and global trade exchange programs—funding which will further help close another glaring weakness in our homeland defenses.

I am a vocal proponent of comprehensive immigration reform. This includes reforms to strengthen of our borders. The omnibus moves us closer to that goal.

The bill provides $6.8 billion for Customs and Border Protection, CBP, to improve security at the borders, including funds to continue limited use of National Guard troops on the border and hire 3,000 additional border patrol agents.

The bill also provides $1.2 billion for border security fencing to complete 370 miles by the end of fiscal year 2008 and almost $15 million for additional unmanned aerial systems to patrol the border.

And the omnibus includes $475 million for the U.S. VISIT program used to track the entry and exit of foreign

visitors and $36 million for a new electronic travel authorization for travelers from Visa Waiver Program countries which was authorized by the 911 implementation bill.

I am also pleased that another initiative I advocated—the development of a national strategy for use of closed circuit televisions to enhance national security—was included in the final omnibus package.

The omnibus also helps us strengthen chemical security by providing $50 million—a significant increase over the President's original request—to protect chemical facilities from terrorist attacks. We know that chemical sites pose a serious homeland security vulnerability and we must ensure that DHS can help them enact meaningful security measures as soon as possible. I am also pleased that this legislation safeguards the ability of states and localities, who are our partners in homeland security, to enact stricter chemical security standards where appropriate.

Finally, the omnibus also includes a $10-million increase for the Office of Bombing Prevention that Senator COLLINS and I added as an amendment on the floor.

We have to confront the fact that highly lethal and simple-to-make IEDs have become the preferred weapon of terrorists and the Department of Homeland Security must have adequate resources to help State and local officials defend against this likely threat.

But, as I said earlier, there are some problems with this bill and I hope we can improve upon it next year.

To begin with, this bill contains a record amount of earmarks for homeland security—$443.8 million by my count. Earmarks can be valuable, but I fear that at this kind of record level we run the risk of being forced to take money away from more important initiatives.

For instance, the pre-disaster mitigation grant program, which was not previously earmarked, now contains 96 specific earmarks totaling $51.3 million—nearly half the total appropriation for this program designed to mitigate the impact of future disasters.

Also, regrettably, the omnibus appropriations bill does not include funding for a consolidated headquarters for DHS, which is essential to establishing a unified culture at the Department.

Currently, DHS is spread throughout 70 buildings across Washington and the Capital region, making communication, coordination, and cooperation between DHS components a significant challenge.

The elimination of this funding simply prolongs an unacceptable status quo and hinders the homeland security mission, and I will work hard to restore this funding in future appropriations.

Finally, I am deeply disappointed that the omnibus bill unnecessarily delays full implementation of the Western Hemisphere travel initiative, WHTI, until June 1, 2009.

Inadequate inspection of travelers to the United States from Canada, the Caribbean, and Mexico was identified by the 9/11 Commission, the GAO, and the State Department as a critical vulnerability to our travel systems. The language hardening the implementation deadline included in the Omnibus bill ties the hands of DHS and prevents it from finalizing additional security enhancements before such date.

Again, the Omnibus appropriations bill is a good landing but not a perfect one and I hope as we begin wrestling with next year's budget we can make the appropriate fixes that will get certain needed programs off the ground.

Mr. CORNYN. Mr. President, as vice chairman of the Senate Sportsmen's Caucus, I am concerned about misguided efforts by some in Congress to ban Federal funding from flowing to international wildlife conservation organizations and programs that support regulated recreational hunting, particularly on the African continent.

The facts are clear. Twenty-three African counties currently license approximately 18,500 hunters, generating over $200 million annually in the process. Regulated recreational, sport, and trophy hunting is saving many animal species in Africa. Licensed and regulated tourist hunting boosts local economies and propagates wildlife by providing foreign governments and villagers a financial incentive to protect and conserve local wildlife populations.

In September of this year, I joined my colleagues on the leadership team of the Senate Sportsmen's Caucus in sending a letter to our conferees negotiating the Department of State and Foreign Operations funding bill with the other Chamber. We laid out the facts and noted that even the National Geographic News reported in March 2007 that ''trophy hunting is of key importance to conservation in Africa by creating [financial] incentives to promote and retain wildlife as a land use over vast areas . . .''

Tourist hunting has proven to be a valuable tool to conserve wildlife and habitat and has contributed to the survival of the African elephant, white and black rhino, leopard, markhor, argali, and other species.

Trophy hunting organizations such as the Dallas Safari Club located in my State of Texas have a vested interest in promoting the welfare of wildlife and they provide countless resources that eliminate human suffering and improve livelihoods in remote areas of the world by conserving wildlife, growing local economies, and reducing poverty.

It is my hope that all Members of Congress will recognize the positive impact that conservation and hunting organizations have on the preservation of species, and that Federal partnership with these groups leverages significant private sector contribution to global wildlife conservation.

CIVILIAN RESERVE

Mr. HAGEL. Mr. President, the Senate Foreign Relations Committee has been pursuing for a number of years the establishment in the State Department of a civilian reserve to work on postconflict reconstruction. Our first meeting on this issue was in December 2003. Its need has become increasingly apparent as time has passed, and it is now urgent that we adopt the legislation authorizing the civilian reserve and providing the Department the funding and authorities it needs to get the job done.

Senator LUGAR has provided leadership in both the committee and in working with the executive branch on this issue, and Senator BIDEN and I have worked closely with him in developing the concept and pursuing its implementation. In April 2007, Senator LUGAR, joined by Senator BIDEN and myself, introduced S. 613, the Reconstruction and Stabilization Act of 2007. Senators WARNER, COLLINS, and DURBIN are also cosponsors of S. 613. We demonstrated that the legislation has overwhelming support in this body when it passed by unanimous consent in the 109th Congress. It should now be taken up again, passed in the 110th Congress, and sent to our House colleagues for their immediate consideration.

Mr. President, I ask unanimous consent to have an op-ed by Senator LUGAR and Secretary of State Condoleezza Rice that appeared in the December 17 Washington Post titled ''A Civilian Partner for our Troops'' printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 17, 2007]

(By Richard G. Lugar and Condoleezza Rice)

A CIVILIAN PARTNER FOR OUR TROOPS

WHY THE U.S. NEEDS A RECONSTRUCTION RESERVE

It is unusual in Washington when an idea is overwhelmingly supported by the president, a bipartisan majority of the Senate Foreign Relations Committee, the State Department, and both the civilian and military leadership of the Pentagon. But that is the case with the proposed Civilian Reserve Corps, a volunteer cadre of civilian experts who can work with our military to perform the urgent jobs of post-conflict stabilization and reconstruction.

Creating such an institution is essential for our national security, and the Senate should authorize the creation of the corps. Over the past decade and a half, the United States has learned that some of the greatest threats to our national security emerge not only from the armies and arsenals of hostile nations but also from the brittle institutions and failing economies of weak and poorly governed states.

We have learned that one of the central tasks of U.S. foreign policy for the foreseeable future will be to support responsible leaders and citizens in the developing world who are working to build effective, peaceful states and free, prosperous societies.

Responding to these challenges is a job for civilians—those who have the expertise and the experience in the rule of law, governance, agriculture, police training, economics and finance, and other critical areas. The

State Department and the U.S. Agency for International Development are working heroically to meet this need.

But the truth is, no diplomatic service in the world has within its ranks all the experts or expertise needed for this kind of work. As a result, from Somalia and Haiti to Bosnia and Kosovo, and now to Afghanistan and Iraq, our government has increasingly depended on our men and women in uniform to perform civilian responsibilities.

The military has filled this void admirably, but it is a task that others can and should take up. The primary responsibility for post-conflict stabilization and reconstruction should not fall to our fighting men and women but to volunteer, civilian experts.

That is why President Bush called for the establishment of a volunteer Civilian Reserve Corps in his 2007 State of the Union address. ''Such a corps would function much like our military reserve,'' he said. ''It would ease the burden of the armed forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them.'' Both the State Department and the Pentagon support this initiative.

The Senate has likewise recognized the need for a stand-alone rebuilding capacity, and last year unanimously passed legislation to create a Reconstruction and Stabilization corps within the State Department. Legislation before the Senate would take further steps to establish the operational elements necessary for this work. The bill has three parts:

First, it calls for a 250-person active-duty corps of Foreign Service professionals from State and USAID, trained with the military and ready to deploy to conflict zones.

Second, it would establish a roster of 2,000 other federal volunteers with language and technical skills to stand by as a ready reserve.

Third, it would create the Civilian Reserve Corps the president called for, a group of 500 Americans from around the country with expertise in such areas as engineering, medicine and policing, to be tapped for specific deployments. The corps could be deployed globally wherever America's interests lie, to help nations emerging from civil war, for instance, or to mitigate circumstances in failed states that endanger our security.

If Congress acts soon, the administration may be able to deploy the reconstruction corps in Iraq and Afghanistan. But future conflicts are equally important. If we are to win the war on terrorism, we cannot allow states to crumble or remain incapable of governing.

We have seen how terrorists can exploit countries afflicted by lawlessness and desperate circumstances. The United States must have the right non-military structures, personnel and resources in place when an emergency occurs. A delay in our response can mean the difference between success and failure.

Congress has already appropriated $50 million for initial funding, and an authorization to expend these funds is required. The bill is widely supported on both sides of the aisle and could be adopted quickly.

Yet this legislation is being blocked on the faulty premise that the task can be accomplished with existing personnel and organization. In our view, that does not square with either recent experience or the judgment of our generals and commander in chief.

It would be penny-wise but pound-foolish to continue to overburden our military with reconstruction duties. We urge Congress to stand up for our troops by giving them the civilian help they need.

HONORING SENATOR TRENT LOTT

Mr. CONRAD. Mr. President, I wish to take a few moments this morning to pay tribute to our colleague from Mississippi, Senator TRENT LOTT.

Senator LOTT has been at the center of every major policy debate in the Congress for more than three decades.

Senator LOTT was a fierce and effective advocate for limited government. No one who has been involved in debating budget, tax, or health policy with Senator LOTT—as I frequently did on the Finance Committee—can question his commitment to conservative principles of government.

But what made Senator LOTT effective was that he understood that others had different views, and he understood the importance and art of compromise. He was driven to produce results, and he was unrelenting in his efforts to build coalitions to pass legislation and make things better for the American people. He recognized that, in the Senate, compromise is necessary to get things done. As majority leader, he was able to find policies that could hold his caucus together and at the same time win support from the Clinton White House and moderate Democrats.

In more recent years, he has played a key behind-the-scenes role in bridging differences between the parties. No one was better at counting votes and knowing the limits of his negotiating flexibility. When TRENT LOTT told you he could produce the votes for a proffered compromise, he delivered. You could count on it.

Perhaps most importantly, Senator LOTT had an uncanny ability to persuade and cajole people to get a deal. He has a great sense of humor and a seemingly unparalleled ability to develop friendships and relationships with members of Congress on both sides of the aisle and both ends of the Capitol. He always knows who the key players are, and what will bring them to the table. These skills have produced a great record of accomplishments for Mississippi and the Nation.

Personally, I will miss his quick wit, his insights, and his friendship. As Senator LOTT prepares to leave the Senate, I wish him and his wife Tricia all the best.

Mr. COBURN. Mr. President, Senator LOTT is true gentleman: agreeable, good-humored and kind in nature. When I think of TRENT LOTT, the words consensus and congeniality come to mind. These words come to mind because TRENT has become one of the greatest mediators this body has ever seen, his ability to bring all parties on an issue to the table and when the negotiations are done, each person leaves with a smile on their face. Senator LOTT's humor and affable personality made working with him a pleasure, even when a compromise could not be found and the time for negotiating was over, nobody would leave the table feeling alienated, or hurt they left with TRENT still a friend and eager to work on the next solution.

TRENT LOTT'S 34 years of service to his country as a Member of Congress will forever be remembered in chapters of our Nation's history and by his constituents of Mississippi. But the one who deserves just as much thanks and gratitude is his college sweetheart and wife Tricia. While TRENT has been dedicated to his job and country for the past 34 years, he has been devoted to his family.

Senator LOTT's congeniality could be attributed to his humble beginnings, southern upbringing, or a number of things, but no matter the reason he still remains a humble man with many friends and a man who is truly kind to others. As I have grown to know him through our work here in the Senate, I have seen that his kindness stretches beyond the walls of his duties on this floor and to all who encounter him. TRENT always has a smile on his face and extends pleasantries to everyone he passes. Here in Washington, it is easy for one to be consumed by self-importance and it is easy to forget to treat others as we wish to be treated, but he never did. While in the lobby of another office, Senator LOTT will have a candid conversation with the much overlooked staff manning the front desk or anyone in his path—he will go out of his way to make sure everyone is greeted with warm hello.

I have agreed with Senator LOTT on many issues, and I have disagreed with him on many as well, but in each scenario we always ended with a handshake and a good laugh. This institution is losing a man who could bring people together and allow bitter enemies to lay down their swords.

This is a man who will be missed by many and I wish Senator LOTT the best of luck as he retires from his years of political service.

Mr. CORKER. Mr. President, I rise today to pay tribute to a distinguished colleague from the great State of Mississippi, Senator TRENT LOTT.

As a reformer, a defender and a leader, TRENT LOTT leaves behind a legacy in the U.S. Senate, the fruits of which we will reap for years to come. In 1996, TRENT joined with colleagues to enact an historic welfare reform bill. He pushed for reform again when he supported President Bush's tax cut package early on in the administration. TRENT has never been afraid to step forward in faith toward what he knows is right.

A champion for a strong national defense, TRENT supported the President's military action in Iraq as well as increased defense spending. As a defender himself, TRENT understands the importance of a strong military and the value of rewarding those who valiantly serve this country. In 1998, he urged Congress to raise the pay for our military men and women, an act that hadn't occurred in a decade.

As the first man to serve as the whip in both the House and the Senate, TRENT could not have accomplished

any of the aforementioned achievements and many others without his innate ability to lead. Leadership is not easy. The weight of good leadership is often a difficult load to bear, but TRENT LOTT upheld his roles as senator, majority leader and whip with an admirable level of dignity and integrity throughout his tenure.

As a new Senator, I have been touched by TRENT's candor, patience, unique charm, and by observing the tremendous relationship he has with his wife Tricia. Professionally, I have benefited greatly from his knowledge and experience about how to effectively make a difference in the U.S. Senate. He is a gifted negotiator, and his strong leadership will be greatly missed. For more than three decades, Senator LOTT has been a great public servant to the people of Mississippi in Congress. I extend my best wishes to TRENT and Tricia as they begin the next phase of their lives together.

• Mr. DODD. Mr. President, I rise to wish farewell to an honored colleague and a good friend: Senator TRENT LOTT. TRENT served in Congress for 34 years, and has represented the State of Mississippi in the Senate for 18; during that time, he distinguished himself as both a dedicated and effective party leader, and a symbol of bipartisan compromise. Few Senators play both roles so well.

Those who know TRENT often describe his personal charisma and his natural leadership abilities. Those abilities have been on display for decades, manifesting themselves as early as his college days at Ole Miss, where TRENT was a fraternity president, a cheerleader, and a well-known presence on campus. TRENT brought his budding political skills to Washington, where he served as a staffer on Capitol Hill before he was elected to Congress himself, in the first of a long series of wide-margin victories.

From 1973 to 1988, TRENT represented Mississippi's conservative 5th District, serving on the House Judiciary Committee during the Watergate scandal, as well as in the Republican leadership. As Republican whip, he helped build broad coalitions to pass important domestic and national security legislation.

In 1988, TRENT was elected to the Senate by eight percentage points over his opponent and never again faced a close race, winning reelection overwhelmingly in 1994, 2000, and 2006. His skill at negotiation made him a Senate natural, and his party entrusted him with its highest leadership responsibilities: majority whip in 1995; majority leader in 1996; and, in a widely remarked-upon comeback, whip again just last year.

Newt Gingrich called TRENT ''the smartest legislative politician I've ever met.'' And though I often disagreed on the issues with TRENT, not to mention Newt, I just as often admired his acumen. I couldn't begin to list the important legislation shepherded through this body by the Senator from Mississippi: education reform, defense spending, trade legislation, the ratification of NATO expansion, the creation of the Department of Homeland Security, and much more. But even as he worked on matters of national and international import, he always had time for the people of Mississippi: he helped expand his state's highway system, brought research funding to its universities, and dedicated himself to Mississippi's economic recovery in the wake of Hurricane Katrina. Indeed, the challenged posed by that destructive storm convinced TRENT to put off retirement until this year; and I am sure that the people of his state are grateful for the time he could lend to their recovery efforts.

In his memoirs, TRENT compared leading the Senate to ''herding cats.'' But today, at least, the members of this most difficult body have found some unanimity: We are united in our affection for TRENT LOTT and in our sadness at his departure. We will miss his legislative talent, his rich baritone, his taste in seersucker suits, and his fine head of hair. But we trust that he and his dear wife Tricia have many happy years ahead, and we wish them all the best.•

EXPLANATORY STATEMENT TO ACCOMPANY H.R. 2664

Ms. CANTWELL. Mr. President, the explanatory statement to accompany H.R. 2764, which includes the Omnibus Appropriations Act for fiscal year 2008, inadvertently omitted the following items for which I had made a request to the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee and for which I had submitted the appropriate letter of pecuniary interest. Those items are: under the Cooperative State Research, Education, and Extension Service Special Research Grants account, the Pacific Northwest Small Fruit Research Center for Idaho, Oregon and Washington, operated in cooperation with Washington State University, which was awarded $329,000; under the Agriculture Research Service Salaries & Expenses account, the Potato Research Enhancement Project in Prosser, WA, co-located with the Irrigated Agriculture Research and Extension Center of Washington State University, which was awarded $288,000 and under the Animal and Plant Health Inspection Service account, the Washington Clean Plant Network which was awarded $225,000. All three of these projects are essential to the ongoing development of my home state's vital agriculture industry. I thank Chairman KOHL and Ranking Member BENNETT for their work to correct the record with respect to these three projects.

Mr. KOHL. I thank the Senator from Washington. I have reviewed her requests to our subcommittee and she is correct. The record should reflect her requests.

Mr. BENNETT. I concur with Senator KOHL, the subcommittee chairman, in this action.

TRADE ADJUSTMENT ASSISTANCE

Mr. BAUCUS. Mr. President, today, we face a major setback to the effort to advance American exports and freer international trade. Some on the other side of the aisle are threatening to kill trade adjustment assistance, or TAA.

Trade adjustment assistance provides training, health, and income benefits to trade-displaced workers. It has been integral to America's trade policy since 1962. That is when President Kennedy first created the program.

TAA has helped America's workers to improve their competitiveness. It has helped workers to retrain and retool. And it has provided Americans the security of knowing that the government will help them if trade causes a displacement.

Trade adjustment assistance has been vital to my home State of Montana. Since the last TAA reauthorization in 2002, more than 1,500 Montanans have participated in the TAA program. It has helped workers especially in the lumber industry to retrain and re-enter the workforce.

In May, one particular Montanan, Jerry Ann Ross of Eureka, testified about trade adjustment assistance before the Senate Finance Committee. Jerry's story is like that of many Montanans who have been laid off from American lumber mills.

Jerry worked at a lumber mill for 13 years. But then in 2005, she lost her job. That is when she became eligible for trade adjustment assistance. With TAA's help, Jerry entered a training program at Flathead Valley Community College. She expects to graduate this month.

With TAA's help, Jerry has updated her skills. She has made herself more competitive in the workforce as a construction superintendent and an accountant. Jerry's is one of many TAA success stories around the country.

At the Finance Committee hearing, we also learned that the current trade adjustment assistance is not perfect. It needs to be updated. We need to improve it to reflect today's globalized economy.

That is why in July, along with Senator OLYMPIA SNOWE, I introduced the Trade and Globalization Adjustment Assistance Act. Our bill would correct the flaws of today's program.

Our bill would extend TAA benefits to service workers. Service workers account for four out of five jobs in our economy. Our bill would extend TAA benefits to workers whose companies outsource to China, India, and other countries with which America does not have a free-trade agreement. Our bill would increase training funds for States. It would make sure that States have enough money to retrain workers. And our bill would increase the portion of the health care tax credit that the

Government provides to ensure that trade-displaced workers have access to health care coverage while they are retraining.

The House passed similar legislation in November. But the Senate has not yet completed the job. That is why a 3-month extension of trade adjustment assistance is critical. It would keep the current program going. It would provide time for Congress to complete its work on reauthorizing the program.

Last week, the House passed a 3-month extension of the TAA program. The House bill is fully offset. It is noncontroversial. That bill should have passed easily in the Senate. But instead, some on the other side of the aisle have chosen to hold it up. Their dispute is over an unrelated issue. As a consequence, some on the other side of the aisle are close to allowing trade adjustment assistance to expire.

TAA expiration would send a horrible message to America's workers, especially those who depend on trade adjustment assistance. TAA expiration would also send a terrible message about the 2008 trade agenda. If the Senate cannot pass a 3-month extension of trade adjustment assistance, I am not sure what the Congress can do on trade next year.

Reauthorization and modernization of trade adjustment assistance is my No. 1 trade priority for 2008. It is the right thing to do. American workers deserve no less.

Unless Congress passes a robust TAA bill next year, I don't see how we can move pending trade agreements. trade adjustment assistance has to come first.

So, Mr. President, I call on my colleagues on the other side of the aisle who are holding up this modest extension of trade adjustment to think again. I call on them to allow this useful program to continue, and I call on them to step back from what could be a major setback to American exports and freer international trade.

CONSUMER PRODUCT SAFETY

Mr. PRYOR. Mr. President, I wish to speak on an issue that is extremely important to families all across the country—consumer product safety. I have spent the past year working with several of my colleagues to reform and reinvigorate the agency charged with protecting consumers from unsafe products, the Consumer Product Safety Commission, CPSC. These efforts have resulted in good progress. We have restored the Commission's ability to conduct business without a quorum, we have provided historic increases in CPSC's funding, and we have passed pool safety legislation to protect children from drain entrapment.

Earlier this fall, I introduced legislation, S. 2045, the Consumer Product Safety Commission Reform Act of 2007, to ensure the CPSC has the authority and tools they need to protect families from dangerous imported products. We have all seen enough evidence in the press and on our retailers' shelves to know that reform is needed. Senators INOUYE, DURBIN, KLOBUCHAR, BILL NELSON, BROWN, SCHUMER, MENENDEZ, CASEY, and HARKIN have all joined me in this historic effort, and their contributions to the bill have been enormous. The Senate Commerce Committee reported S. 2045 in October by voice vote. Since that time, we have been working in a bipartisan fashion to move our legislation out of the Senate and to provide these protections for the American public.

As many of you are aware, the House of Representatives is scheduled to consider their version of CPSC reform today. I applaud the House for getting involved in this very important issue and was pleased to see that many of the ideas we developed in S. 2045 were incorporated into the House bill. I believe this effort is a very important first step to reauthorize this agency and provide it with some of the tools necessary to work more diligently on behalf of the American consumer. This is a goal that I share with all cosponsors of my bill, many of my colleagues in the Senate, and my counterparts in the House. While the House bill is a good step, I believe S. 2045 contains many additional reforms critical to improving our consumer product safety laws. I also believe the Senate now stands poised to build upon the actions of the House and provide even greater assurances to the American public.

Though I would have preferred to accomplish this task this year—and we have worked very hard to make this a reality—it seems the timing of the rest of the week simply makes this task nearly impossible. I would say to my colleagues in the Senate that we are very close to achieving bipartisan compromise to allow this bill to go forward early next year. I have expressed to the majority leader my desire to continue to move forward with S. 2045, and I hope to secure time for floor consideration at the earliest possible time when Congress returns in January. Consumer product safety is too important to the American people to not give them our very best effort, and I believe the Senate needs time to consider this legislation on the Senate floor.

I would like to take a moment to highlight some areas of concern that I have with the House legislation where the Senate legislation provides greater protection, areas that I hope to improve upon when Congress returns next year. To begin, S. 2045 provides greater reauthorization levels for a longer length of time than H.R. 4040. While the House seeks to reauthorize the CPSC for three years, S. 2045 reauthorizes the CPSC for 7 years. S. 2045 provides over $526 million more in authorized funding than H.R. 4040. Our legislation takes a long term approach to reauthorize the agency, which I believe brings stability to the agency in addition to their enforcement efforts. The last time the CPSC was reauthorized was in 1990 for only a 2-year period. During the 17 years between the last authorization and now, the CPSC has withered on the vine, a victim of underfunding and understaffing. I believe the systemic problems that have surfaced over these 17 years demonstrate the need for looking forward to the future as we debate reauthorization.

The Senate bill also gives greater authority to State attorneys general to assist the CPSC in their consumer product enforcement efforts. While H.R. 4040 only provides State attorneys general with a very limited role in protecting consumers, S. 2045 ensures that these officials can act as real cops on the beat, looking out for consumers and restoring confidence in the marketplace by enforcing the provisions of the entire Consumer Product Safety Act, not limited sections.

S. 2045 also furthers the mission of the CPSC by placing more information about dangerous products in the hands of families when the dangers become known instead of allowing manufacturers to bog down the disclosure of information through lengthy court battles. S. 2045 will allow parents to make educated and cautious decisions about the products they are placing in their homes. While the House bill only seeks to clarify the existing statute in this respect, the Senate bill can actually place real and timely information in the hands of consumers. I believe such a result can only enhance the security and well-being of our fellow Americans.

One very important difference between the House and Senate version of this legislation is the standards set for testing children's toys. H.R. 4040 asks the CPSC to decide if current voluntary standards are feasible for manufacturers' testing procedures and whether they should be adopted. It is very obvious to me, as well as millions of moms, dads, and grandparents around the country that testing requirements must be elevated. S. 2045 would make these voluntary standards mandatory for testing and safety.

Furthermore, S. 2045 adds real teeth to the enforcement capabilities of the CPSC. Though I applaud the House for increasing civil penalties to which a violator may be subject to $10 million, I do not believe this level is sufficient to deter bad actors. Placing dangerous products in the hands of American consumers must not be the cost of doing business. S. 2045 increases the cap in civil penalties to $100 million and strengthens criminal penalties for those aggravated violators that seemingly show a disregard to the health and safety of consumers and the laws enacted by this body. H.R. 4040 does not remove the requirement that the CPSC notify violators of noncompliance prior to seeking criminal penalties. This may seem minor, but this provision of the Consumer Product Safety Act has hamstrung the CPSC's ability to pursue egregious violators to the point

where only one such violator has been pursued. Even the President's Import Safety Working Group has recommended this change.

Last, S. 2045 provides important protections for employees who stand up for public safety by blowing the whistle on unsafe products or practices. These whistleblower protections are extremely important to catching unsafe products before they enter the stream of commerce. Employees are often on the front lines of consumer product safety, and I believe they deserve protection from retribution if they report activities they believe to be in violation of the law. H.R. 4040 does not provide whistleblower protections.

There are many other areas I could highlight where S. 2045 can provide more meaningful reform than H.R. 4040, but I believe these to be some of the most important. I would like my colleagues to know of my commitment for this body to consider and pass meaningful consumer product safety reform next year. I will continue to work tirelessly on this legislation over the holiday recess, and I will continue to work with my colleagues across the aisle to pass bipartisan legislation. I thank them for their hard work during this process and am encouraged with the progress we have made in just the past few days.

Finally, I would like to thank the cosponsors of this legislation for their leadership and persistence on consumer product safety. This has certainly been a team effort, and I look forward to continuing to work with them to resolve this matter when we return.

FEDERAL EXECUTIVE BOARDS

Mr. AKAKA. Mr. President, I wish to recognize the accomplishments and good work of the Federal Executive Boards, FEBs, across the country. FEBs bring together Federal agencies outside of the Washington, DC metropolitan area to better serve the community.

Federal Executive Boards were established in 10 major regions across the country by President John Kennedy in 1961 as a way for Federal agencies outside of Washington to communicate with each other and address local issues affecting the Federal employee community. Since then, they have grown to include 28 metropolitan areas and serve hundreds of thousands of Federal employees.

The boards are made up of senior officials from each Federal agency in a given geographic region. They are quasi-agencies that receive voluntary funding from local Federal agencies in the region. They operate with a lean structure of one or two staff members who create partnerships between the Federal, State, and local governments to achieve common goals. FEBs also offer training workshops, coordinate preparedness exercises, and disseminate information on office closures.

I am very proud to have a strong and active FEB in Honolulu that serves the Federal agencies in the Pacific.

To this extent, earlier this fall, I held a hearing on the role FEBs can play in preparing Federal communities for a pandemic influenza outbreak. Many public health experts believe that we are overdue for a pandemic outbreak, and the question is not a matter of if, but when. In this effort, I asked the Government Accountability Office to evaluate the work of FEBs in preparing their constituency for a pandemic outbreak. What I found was a lot of dedicated individuals building partnerships and developing procedures to prepare for a public health, natural, or man-made emergency. They are doing important work, but they are operating without a lot of resources.

Because of their natural role in communicating with and coordinating Federal agencies, emergency preparedness and response has become a central component to the mission and activities of FEBs. For example, the Honolulu-Pacific FEB, which serves my home State of Hawaii, is a resource for emergency response plans, pandemic influenza preparedness, and continuity of operations plans.

Similarly, the Minnesota Federal Executive Board has taken to heart the need for better coordination with State, local, and private partners in the event of a pandemic or other emergency, and it has organized a number of emergency training exercises that bring together these partners.

Unfortunately, not all FEBs have the resources or support to be so active. At the hearing earlier this fall, the representatives from the FEBs testified to the instability of their funding and the difficulty in planning events without a known budget. The Executive Directors make do with what they are given, but often that is not much.

The Office of Personnel Management oversees the FEBs and has been working with the Federal Emergency Management Agency to develop a strategic plan that would address funding, performance standards, and provide guidance to FEBs on their role in the event of an emergency. OPM is hoping to produce the plan early next year, and I anxiously await its release. The more support we can provide them, the more effective our federal agencies will be.

I would like to commend the work being done by FEBs, especially the Honolulu-Pacific FEB, and I will continue to support their efforts to build a strong Federal community.

ABSENTEE VOTING

Mr. BAYH. Mr. President, I wish to speak about the importance of counting the votes of military personnel and American citizens living abroad. These votes—defined as Uniformed and Overseas Citizens Absentee Voting Act votes, UOCAVA—are consistently neglected.

According to an Elections Assistance Commission, EAC, report issued in September, less than 17 percent of the estimated 6 million potentially eligible overseas voters sought to participate in the 2006 elections. This concerns me greatly. Further, of the 992,034 requested overseas ballots in 2006, only 333,179 were actually counted—leaving potentially more than 66 percent of overseas voters that wanted to vote in 2006 disenfranchised.

In June, the GAO released a report that urged the EAC, and other Federal agencies, to better serve our UOCAVA voters. I believe that the EAC has an opportunity to rectify this situation now.

The fiscal year 2008 Omnibus appropriations bill includes $115 million that will be distributed to the States so that they can proceed to implement the Help American Vote Act. All State and local elections officials are aware of the difficulties receiving and counting ballots from overseas military personnel and citizens living abroad. The Department of Defense, through the Federal Voting Assistance Program, continues to struggle with this problem.

The EAC report recommends that states make a great effort to ensure that obstacles to voting experienced by members of the service members and citizens living abroad—including voter registration, ballot receipt, and ballot return—should be reduced, minimized, or eliminated. To this end, several States intend to use HAVA funds to implement plans that will allow them to better serve these severely disenfranchised voters. For these reasons, I urge the EAC to clearly notify interested States that HAVA funds are available to facilitate the voting process for UOCAVA voters. I further urge the EAC to distribute 2008 HAVA funding to those States as soon as possible, so that UOCAVA voters do not remain disenfranchised for the 2008 elections.

TIM JOHNSON INPATIENT REHABILITATION PRESERVATION ACT

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a dear friend and fellow Midwesterner who is close to each of us, South Dakota Senator TIM JOHNSON. After suffering a rare brain hemorrhage last year, Senator JOHNSON had a tall mountain to climb in his recovery. He worked hard and followed a rigorous rehabilitation regimen. The results are obvious. He has had an outstanding recovery—due in large part to his intense determination to get better, the support of his family and friends, and the quality rehabilitation care that he received—and continues to receive. Senator JOHNSON was able to return to the Senate earlier this year. It is a great honor to serve with Senator JOHNSON, and we are all grateful to have him back.

As many know, we recognized Senator JOHNSON's outstanding recovery by renaming S. 543, legislation aimed at preserving access to rehabilitation hospitals the ''Tim Johnson Inpatient

Rehabilitation Preservation Act of 2007.'' This legislation aimed to block implementation of a bureaucratic rule change that severely limits seniors' access to rehabilitation hospitals. Senator JOHNSON's recovery through rehabilitation treatment is an inspiration to many who have suffered from similar conditions and other brain injuries. The care that he received from his team at the National Rehabilitation Hospital was outstanding and their service was critical to his return to the Senate. I believe that it is crucial that we preserve access to similar rehabilitative care for many of America's senior citizens.

Four years ago, the Centers for Medicare & Medicaid Services promulgated a new rule that would severely limit the types of rehabilitation treatments available to Medicare patients. The rule known as the ''75 percent rule'' would require rehab hospitals to ensure a certain percentage of patients fall into one of 13 specific diagnoses. That percentage was set to increase to 75 percent—forcing rehab hospitals to turn away patients and limit rehab services in their community. I know firsthand how harmful this can be, as my own mother faced inadequate care before finally receiving the rehabilitation services she desperately needed.

The 75 percent rule was set to close the doors of rehabilitation hospitals and push seniors away from the care they desperately needed. As many of you know, I have been working with a number of my colleagues on an inpatient rehabilitation Medicare fix for the last several Congresses.

Yesterday, the Senate passed the Medicare, Medicaid, and SCHIP Extension Act of 2007, which included our provision to freeze the 75 percent rule compliance threshold permanently at 60 percent, ensuring rehabilitation hospitals have the flexibility to serve a variety of patients who desperately need quality rehabilitation treatment to restore their physical function and return home to their families and daily lives.

Without our Nation's rehabilitation capacity, other Americans may not have access to the same kind of care that brought my close friend back to the Senate.

I want to offer special thanks to Senator JOHNSON for lending his name to our efforts and putting a familiar face on the importance of rehabilitation care. I also want to thank Senators BAUCUS and GRASSLEY, chairman and ranking member of the Finance Committee, as well as Senators BUNNING, STABENOW, SNOWE, KERRY, SCHUMER, and each of the 60 cosponsors of the Tim Johnson Inpatient Rehabilitation Preservation Act of 2007. Their support was critical in pushing for a permanent fix to the 75 percent rule and provided those Americans who need rehabilitation treatment with a gift this holiday season—access to quality treatment and the hope for recovery.

PREVENTION THROUGH AFFORDABLE ACCESS ACT

Mr. KENNEDY. Mr. President, since January, safety net clinics that provide basic health care services to women have been in a financial crisis. This happened because a provision in the Deficit Reduction Act of 2005 has inadvertently prohibited drug companies from providing the deep discounts to them on contraceptives. All year, hundreds of family planning clinics, university health centers and other safety net clinics have been unable to provide affordable contraception to their low-income constituency. Prices have skyrocketed in some instances from $5 a pack to $50 a pack. Already some colleges, including those in my home State of Massachusetts, have had to stop offering contraceptives. This crisis affects an estimated 3 million college women, and hundreds of thousands of low-income women who are finding birth control priced out of reach.

The Prevention Through Affordable Access Act is a no-cost, technical fix that will restore nominal prices to these entities, and in turn ensure that university students and low-income women once again have access to affordable birth control. It will not cost the Federal Government a dime—but it will be invaluable to women's health.

Thirty Senators have demonstrated their support for this fix S. 2347. Congress must act now to ensure that this problem is fixed this year and a continuing crisis is averted. Women have waited long enough. I urge passage of this important bill.

COURT SECURITY IMPROVEMENT ACT

Mr. LEAHY. Mr. President, earlier this week, the Senate passed a compromise version of the Court Security Improvement Act of 2007. It took several months to negotiate the minor differences between the House and the Senate bills, simply because we were not allowed to go to conference. Then we had to work for over a month to remove a hold placed on the legislation. When it finally passed the Senate on Monday night, we expected that the House of Representatives would pass it without delay. Unfortunately, one of the compromise provisions triggered a problem that would have prevented passage in the House.

We corrected that problem late last night with an enrolling resolution that strikes the provision of section 502 that caused a budgetary problem. Fortunately, we were able to maintain the important provision of life insurance benefits for our dedicated magistrate judges.

I appreciate the work of Senators SPECTER and KYL to make sure that we were able to pass this resolution late last night and I look forward to the House of Representatives passing both the resolution and the Court Security Improvement Act without further delay.

I urge the President to sign this vital legislation, introduced 11 months ago, without delay so that we can protect the dedicated judges, and other personnel who serve as part of our Nation's justice system. The security of our Federal judges and our courthouses around the Nation is at stake.

THE TREE ACT

Mrs. LINCOLN. Mr. President, I would like to engage in a colloquy with the leadership of the Senate Finance Committee regarding the timber tax provisions that are commonly referred to as the ''TREE Act.'' These provisions were included in the tax title of the Energy bill, which, regrettably, was deleted from the bill that the Senate passed last week. On a brighter note, they have been included in the tax title of the farm bill, which passed the Senate last week.

As a matter of tax policy, enactment of the TREE Act is extremely important. It reforms the rules that apply to both corporations and individuals who own timber, thereby improving the international competitiveness of the U.S. timber industry.

Enactment of the TREE Act also is time-sensitive. timber companies that continue to be organized as corporations are under intensifying pressure to reorganize. In that case, a corporation that owns substantial manufacturing facilities would be forced to sell some of those facilities, and to make other structural changes, in order to comply with the relevant tax rules that it would newly become subject to. This would be likely to cause disruptions in some of the affected communities, and also would make it harder for U.S. companies to compete internationally. To forestall these adverse consequences, Congress must act quickly.

Accordingly, I am pleased that the Senate has enacted the TREE Act as part of the farm bill, and I believe that it is critical for Congress to enact a new farm bill, including the TREE Act, early next year. I would like to ask the chairman and ranking members of the Finance Committee whether they share this view.

Mr. SMITH. Mr. President, I join my colleague, the senior Senator from Arkansas, in supporting the need to enact the timber tax provisions—also known as the Timber Revitalization and Economic Enhancement Act, TREE Act—in a timely manner.

This tax policy is as important to Oregon as it is to other timber-growing regions of the United States. The forest products industry is a cornerstone of Oregon's economy and culture. Oregon is home to more than 9.5 million acres of privately owned forests and more than 75,000 people earn their living working for the forest products industry. In fact, Oregon is the No. 1 producer of lumber in the United States.

While disappointed that the TREE Act was a part of the tax title removed

from the version of the energy bill passed by the Senate, I am pleased the Senate was able to include the TREE Act provisions in the farm bill passed last week.

It is crucial for Congress to enact early next year the TREE Act. I will work with my colleagues to see the TREE Act enacted in early 2008. It matters to all who grow trees—companies of all sizes and small tree farmers as well.

Mr. BAUCUS. I appreciate Senators LINCOLN's and SMITH's leadership on this issue and I share their view. Although I had concerns about a somewhat similar provision that was considered in 2006, the fact that that there is now a consensus in support of the TREE Act in the U.S. forest products industry, and that modifications have been made, have led me to support the TREE Act, and to work to include it in both the tax title of the Energy bill and the tax title of the farm bill. I understand the time constraints, and pledge to work with the Senator from Arkansas and the Senator from Oregon, other interested Senators, and with the leaders of the House Ways and Means Committee to see that the TREE Act is enacted as part of the farm bill or other appropriate vehicle early in 2008.

Mr. GRASSLEY. I agree. I have supported the enactment of the TREE Act for several years, and will work to see it enacted early in 2008.

RENEWING THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, the past month has been marked by several high profile, tragic shootings. Across the country, Americans have been attacked in places once thought safe, by people wielding deadly firearms. There can be little doubt that the plague of gun violence is continuing to permeate our society. At what point will we say act.

Early Sunday morning December 9, a young man entered a Christian missionary center in the Denver suburb of Arvada, carrying an assault rifle and approximately 1,000 rounds of ammunition. Shooting randomly, he gunned down two staff members in their mid-20s and wounded two others. Just over 12 hours later, the same gunman walked into a church 75 miles away in Colorado Springs and killed two sisters, 18 and 16 years-old, and wounded six others, before shooting himself.

Four days earlier, on December 5, a young man entered a busy mall in Omaha, NE, carrying an assault rifle. Spraying bullets at people at both point blank range and from the third-floor balcony, sending holiday shoppers running as dozens of shots echoed throughout the mall. Before he turned the gun on himself, the gunman had killed eight people and wounded five others, two critically.

Of course, these were only the shootings that captured national headlines. Hundreds of others fell to their deaths this past month at the hands of someone with a firearm. This month caps a year that witnessed the worst ever school shooting in the United States, when a student killed 32 classmates and staff members at Virginia Tech University. Each one of these horrific events emphasizes the need for common sense gun legislation. Together they scream out for change. As 2007 draws to a close I once again urge my colleagues to help put an end to these kind of tragedies by renewing the assault weapons ban.

''NIMROD NATION''

Mr. LEVIN. Mr. President, the Sundance Channel recently aired a documentary entitled ''Nimrod Nation.'' This eight-part series explores the world of small-town American life through the lens of the town of Watersmeet, MI, and their local high school basketball team.

Small towns have always been an important part of our country's cultural heritage. The communities and institutions that make up small towns are an essential and enduring aspect of the political, economic and social fabric of our nation. Nearly one quarter of all Americans live in rural areas, approximately the same percentage as live in central cities.

With only 1,400 residents, Watersmeet is a rural town in Michigan's Upper Peninsula. The town is surrounded by the Ottawa National Forest and the Cisco Chain of Lakes. It is located in a region with a high concentration of Nordic descendants and Native Americans. In an area with not a single movie theater, the residents turn to, among other things, pastimes such as hunting, fishing, and cheering on their local athletic teams.

Director Brett Morgen traveled to Watersmeet in 2004 to film three commercials for an ESPN promotional campaign. There he discovered the Watersmeet Nimrods basketball team. The nickname came from the Biblical king Nimrod, a mighty hunter, fisherman and outdoorsman. The commercials highlighted the team's unusual name, and they sold close to $550,000 worth of Nimrod-brand merchandise as a result of this publicity. Mr. Morgen later returned to Watersmeet to document the Nimrod's 2005–6 basketball season while creating a series about the rural town.

''Nimrod Nation'' uncovers one of the many diverse cultures we have in Michigan. The residents of Watersmeet have expressed enthusiasm about the series. It explores the making of head cheese, talks with the town's older citizens at a local cafe, and covers the community's passion for the Nimrod basketball team. These events are woven together to create a portrait of what life in the Upper Peninsula is all about.

I know my colleagues in the Senate join me in recognizing the importance of small towns to our country, as well as the congratulating residents of Watersmeet, MI, as their town is showcased in the documentary ''Nimrod Nation.''

TRIBUTE TO RICHARD A. LAUDERBAUGH

Mr. CARDIN. Mr. President, it is with sadness that I announce the death of Richard A. Lauderbaugh, a distinguished and admired former legislative counsel and counsel to the Senate Finance Committee, on December 3, 2007. Mr. Lauderbaugh was a recognized health policy expert with particular expertise in Medicare and Medicaid. He served with distinction on the staff of the Finance Committee under the chairmanship of Senator Lloyd Bentsen from 1989 until 1992. During this period, he was closely involved in the development of Medicare legislation that established a fee schedule for physician services and measures to prevent program fraud and abuse.

Mr. Lauderbaugh, a native of Pittsburgh, PA, moved to Washington in 1981 after earning his bachelor's degree from the University of Rochester, a law degree from the Columbia University School of Law, and a Ph.D. in history from Washington University in St. Louis. He was appointed associate counsel in the Office of the Legislative Counsel of the Senate, where his expertise in legislative drafting and his grasp of complex policy issues were invaluable.

Mr. Lauderbaugh also served 2 years as Washington counsel for the American Hospital Association, where he provided legal and policy advice on a variety of issues including health care reform and hospital payment policies under the Medicare and Medicaid Programs. In 1992, he joined Health Policy Alternatives, a Washington-based policy consulting firm specializing in Medicare and Medicaid policy and legislation, as a principal. In this position, he worked closely with a wide range of clients including health facility and professional associations, manufacturers, consumer advocacy groups, and private foundations. On a number of occasions, he worked with my staff in the preparation of a bill to ensure access to emergency medical services. His work on a variety of policy issues contributed to the introduction and passage of many health care bills in the House and the Senate.

Throughout his 26-year career, Mr. Lauderbaugh was widely recognized for his expertise in drafting Federal legislation, for his extensive knowledge of the history of Medicare and Medicaid, and his creative skill in designing public policies. More important, he was a gentleman who patiently helped the experienced or novice staffer or client navigate the complex world of health policy. His dedication to the highest professional standards and his loyalty to friends and family were hallmarks of his distinguished career.

Mr. President, I ask my colleagues to join me in expressing our deepest sympathy to Mr. Lauderbaugh's sister Paula Bradley and her husband William, of Albuquerque, NM. We are grateful for his service to the Senate and for his many contributions to public policy.

TRIBUTE TO ANTHONY FAUCI

Mr. LEAHY. Mr. President, today I would like to take a moment to recognize Dr. Anthony Facui, Director of the National Institutes of Allergy and Infectious Diseases, NIAID, for his numerous contributions in medical research and specifically his work on HIV/AIDS, avian flu and anthrax. Even in a city such as Washington, which is filled with driven and motivated people, Dr. Fauci is a cut above. As Director of NIAID, he has worked tirelessly to lead the fight against AIDS and has been instrumental in shaping our understanding of how this disease works. I am proud to have worked with Dr. Fauci and would like to take this opportunity to submit the following article recounting the remarkable work and career of Dr. Fauci for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 2007]

THE HONORED DOCTOR

(By Sue Anne Pressley Montes)

Routinely, his gray Toyota hybrid is parked from 6:30 a.m. until late at night outside Building 31 at the National Institutes of Health in Bethesda. Sometimes his colleagues leave notes on the windshield that say things like, ''Go home. You're making me feel guilty.''

But Anthony S. Fauci has made a career of long hours, exhaustive research and helping the public understand the health dangers stalking the planet. As director for 23 years of the National Institute of Allergy and Infectious Diseases at NIH, his milieu is the stuff that scares the daylights out of most people: bioterrorism, deadly flu epidemics, the enduring specter of AIDS.

Fauci, who is equally at home in the laboratory, at a patient's bedside, at a congressional hearing or on a Sunday morning talk show, scarcely has time to collect all the accolades that come his way. But this has been an extraordinary year. In the spring, he won the Kober Medal, one of the highest honors bestowed by the Association of American Physicians. In July, President Bush awarded him the National Medal of Science. And today, he receives one of medicine's most prestigious prizes, the $150,000 Mary Woodard Lasker public service award, as ''a world-class investigator'' who ''has spoken eloquently on behalf of medical science,'' according to the Lasker Foundation.

No one deserves the honors more, his associates agree.

''Dr. Fauci is the best of his kind,'' said former U.S. surgeon general C. Everett Koop, 90, who has often sought Fauci's medical advice and counts himself as a friend.

For someone else, this might be heady stuff. But Tony Fauci, 66, has never strayed far from his down-to-earth Brooklyn roots or his Jesuit training, with its emphasis on service and intellectual growth. Beginning his career in the lab—viewed by many as a backwater of medicine—he soon became the chief detective probing a mystery that would encircle the world. Before AIDS even had a name, he made the ''fateful decision,'' he said, to make it the focus of his research.

''It was a matter of destiny, I think, but by circumstance alone I had been trained in the very disciplines that encompassed this brand-new bizarre disease,'' he said. ''This was in my mind something that was going to be historic.''

He and his researchers would make breakthroughs in understanding how HIV, the human immunodeficiency virus, destroys the body's immune system. Years ago, he assumed a public role, calmly explaining the latest health scares on talk shows such as ''Face the Nation.'' Through four presidential administrations, he has led efforts that resulted in Congress dramatically increasing funding to fight AIDS.

Today, as Fauci helps direct the president's emergency plan for AIDS relief in Africa and elsewhere, he also is leading the fight against such infectious diseases as anthrax and tuberculosis. In his $250,000-a-year position, he oversees 1,700 employees and a $4.4 billion annual budget.

''Fauci doesn't sleep,'' said Gregory K. Folkers, his chief of staff. ''He's the hardest-working person you'll ever encounter.''

The doctor's curriculum vitae supports that assertion. The bibliography alone is 86 pages, listing 1,118 articles and papers he has written or contributed to. (An example: ''The Role of Monocyte/Macrophages and Cytokines in the Pathogenesis of HIV Infection,'' published in ''Pathobiology'' in 1992.) He has given more than 2,000 speeches, rehearsing with a stopwatch to whittle down his remarks. He has received 31 honorary doctoral degrees.

Vacations are seldom on the agenda. Often, his wife and three daughters accompany him to events. This summer, it was the International AIDS conference in Sydney. But he is seldom found sitting by the pool behind his Northwest Washington home. And retirement, he said firmly, is ''not on the radar screen.''

EXCEPTIONAL CHILD

He learned to question early.

It didn't make sense to him when the nuns at his school said that you had to go to church to get into heaven. His beloved paternal grandfather, an immigrant from Sicily, spent his Sunday mornings cooking. What about him?

''I remember going up to him one day. 'Grandpa, why don't you go to Mass?' And he said: 'Don't worry about it. For me, doing good is my Mass,' '' Fauci said.

The experience made him determined to do good through his work. He was 7.

The Faucis lived in the Bensonhurst section of Brooklyn, above the family drugstore operated by his father, Stephen, a pharmacist.

Fauci's only sibling, Denise Scorce, recalls that he was a well-rounded kid who liked to play ball but only after he did his homework.

''He was very normal in every way, but you kind of knew he was special,'' said Scorce, 69, a retired teacher who lives in Northern Virginia. ''Everything he did was perfect.''

Fauci won a full scholarship to Regis High School, a Jesuit institution in Manhattan. Later, he enrolled in another Jesuit school, the College of the Holy Cross in Worcester, Mass.

''The Jesuit training is wonderful. I don't think you can do any better than that,'' he said. ''I always quote, 'Precision of thought, economy of expression.' ''

Although he had an aptitude for science, he received his 1962 bachelor's degree in Greek/pre-med. He took the minimum number of science courses required for acceptance at Cornell University Medical College.

''I was very, very heavily influenced by the classics and philosophy, which I think had an important part in my ultimate interest in global issues and public service,'' he said. ''I was interested in broader issues.'' I always tried to look at things at 40,000 feet as well as down in the trenches.''

ENCOUNTER WITH ACT UP

One of the most dramatic episodes during Fauci's tenure at NIH occurred in 1989, when angry ACT UP demonstrators swarmed his building, demanding to be heard.

Fauci, like many top government officials, was accused of not doing enough to fight AIDS. The tactics were attention-getting: smoke bombs, staged ''die-ins,'' chalk bodies drawn on sidewalks.

''He was public enemy number one for a number of years,'' said writer and activist Larry Kramer, who led the charge. ''I called him that in print. I called him very strong, hateful things. . . . But Tony was smart enough to sit down and talk with us.''

Fauci read the leaflets the group distributed and others threw away. ''If you put it in the context of they were human beings who were afraid of dying and afraid of getting infected and forget the theater, they really did have a point,'' he said.

When police officers moved to arrest the protesters, Fauci stopped them. He invited a small group to his office to talk.

''He opened the door for us and let us in, and I called him a hero for that,'' Kramer said in a telephone interview. ''He let my people become members of his committees and boards, and he welcomed us at the table. You have to understand that he got a lot of flak for that.''

It was worth it, Fauci said. ''That was, I think, one of the better things that I've done.''

DOCTOR AS FAMILY MAN

Christine Grady still laughs when she recalls her first meeting in 1983 with the famous Dr. Fauci. An AIDS nurse who had recently joined the NIH after working in Brazil, she was summoned to interpret for a Brazilian patient who wanted to go home.

Grady was dismayed when the patient responded to Fauci's detailed instructions on aftercare by saying in Portuguese that he intended instead to go out and have a good time. She knew Fauci tolerated no nonsense.

''He said he'll do exactly as you say'' is how she translated the patient's remarks.

She thought she had been found out a couple of days later when he asked her to come by his office. Instead of firing her, as she feared, he asked her out to dinner. They were married in May 1985.

The Faucis live in a renovated 1920s home in the Wesley Heights neighborhood. Grady, 55, has a doctorate in philosophy and ethics from Georgetown, and she heads the section on human subjects research at the NIH's Department of Clinical Bioethics. Their children are also busy. Jenny, 21, is a senior at Harvard University; Megan, 18, who will attend Columbia University next fall, does community service teaching in Chicago; Allison, 15, is on the cross-country team at National Cathedral School.

''He's a goofball,'' said Jenny Fauci of her father. ''He works hard and he does his thing, but he comes home and he's singing opera in the kitchen and dancing around.''

She thinks she understands what motivates him. ''Work is not really work for him,'' she said. ''It's what he believes in.''

And so Fauci will leave for the office before dawn and return home long after sunset. It reminds him of that speech he gave this summer at the AIDS conference in Sydney. ''It was called 'Much Accomplished, Much Left to Do,' '' he said.

TRIBUTE TO SHEILA ISHAM

Mr. WHITEHOUSE. Mr. President, I wish to pay tribute to the life and work of one of our Nation's great artists, Sheila Isham, on her 80th birthday.

Sheila was born in New York City, 80 years ago today. She grew up in Cedarhurst, just outside the city, and on an 80-acre island in the St. Lawrence River in Canada, which for years lacked both electricity and running water. She graduated from Bryn Mawr College in 1950 and married Heyward Isham, an officer in the U.S. Foreign Service, and the couple moved to Berlin. There began her path to becoming an artist.

Sheila became the first foreigner to gain admission to the Berlin Art Academy in the years following World War II. There, she studied with Hans Uhlman, a student of abstract painter Kasimir Malevich, and absorbed the works of Wassily Kandinsky.

In 1955 Heyward Isham was posted to the American embassy in Moscow, and the Ishams moved to Russia, where life became very restricted. Sheila has told of having to import several years' worth of food from outside the country, of being watched and followed constantly, and of being unable to meet with other artists or to draw freely. A 2004 profile in the St. Petersburg Times reported that ''once, Isham was almost arrested by a vigilant Soviet officer who noticed that an American was drawing a building, which, according to Isham, turned out to be a center for KGB interrogations.''

But Sheila continued her work. She met George Kostakis, a prominent collector of the Russian avant-garde, including works by Malevich, Kandinsky, Tatlin, Popova, Goncharova, and Larionov, and she traveled through Georgia, St. Petersburg, Yalta, Sochi, and Tblisi to sketch and meet with local artists and writers.

After a few years back in the United States, Sheila and her family traveled to Hong Kong, where she would live and work for 5 years. She taught contemporary arts at the Chinese University, exhibited her work in China and Japan, and studied with a master of classical Chinese calligraphy. ''I chose calligraphy because it seemed to me to be abstract and perfect at the same time,'' she said.

On her return to America in 1965, Sheila began painting, exploring colors and the nexus between Eastern and Western cultures. She would later live and travel in France, Haiti, India, and finally New York, where she has made her home.

Sheila Isham's work is part of the permanent collections of some of America's most important institutions, including the Corcoran Gallery of Art, the Hirshhorn Museum, the Library of Congress, the Museum of Modern Art in New York, the Smithsonian, the National Museum for Women in the Arts, and the Philadelphia Museum of Art. She has been the subject of major one-person exhibitions at the Smithsonian, the Corcoran, and the Russian Museum, and countless gallery and traveling exhibitions, including at the Island Arts Gallery in Newport, Rhode Island.

Sheila's life has not been without periods of darkness. Susan Fisher Sterling, the chief curator of the National Museum for Women in the Arts, wrote: ''In unpredictable and often dramatic ways, Sheila Isham has been challenged by forces that threatened to overwhelm her . . . yet, despite these upheavals, her spirited work prevails.''

After a fire destroyed many works in her Washington, DC, studio, Sheila said: ''I thought that the burnt studio looked like a painting, like a myth, something you might want to take the picture of. I had to come to terms with that. I became freer in a way.''

When her daughter Sandra contracted HIV/AIDS through a blood transfusion, Sheila began work on the enormous, five-painting Victoria series, which she calls ''at once a celebration and a working through the darkest period of my life.'' She said: ''It spans all human emotions from love to terror to hope and finally triumph and joy. It is an epic poem in paint, expressed in brilliant color and strong forms.'' The series was exhibited for the first time in its entirety by the National Museum of Women in the Arts in 2005, 9 years after Sandra passed away.

Sheila Isham's work reflects the iconic melting pot of our Nation's history. Though she draws inspiration from places as diverse as postwar Berlin, Russia, China, Haiti, France, and New York City, her work remains clearly and vibrantly American. Her art, which resides all over the world, is itself an ambassador both for her creative vision and for her country. We are enriched by her talent and her acquaintance.

Alexander Borovsky, head curator of contemporary art at the Russian State Museum, wrote this:

> As an artist, Isham is marked by an incredible restlessness. Even the calm of an ''oasis'' created by her own hand . . . is only relative. She continually explores new paths and returns to the old. Few artists—including Isham, I expect—can say precisely what they are seeking. Having mastered the art of return, Sheila Isham knows to whom it is that she returns—to herself. Truly a rare gift in contemporary art.

I come to the Senate floor today to offer congratulations to Sheila on her 80th birthday. I trust this day will be an occasion for all of us to recognize her extraordinary contribution to American art, and anticipate the many achievements still to come.

TRIBUTE TO SCOTT HIGGINS

Mr. WHITEHOUSE. Mr. President, I wish to celebrate the extraordinary achievements of petty officer Scott Higgins of my State of Rhode Island, who today will be awarded the Coast Guard Commendation Medal for his efforts in the heroic rescue of the crew of the sailboat Sean Seamour II off the coast of New Jersey in May.

On May 7, Aviation Machinery Technician 2nd Class Higgins was part of a four-man Coast Guard HH–60 helicopter crew, including LCDR Nevada Smith, LT J.G. Aaron Nelson, and aviation survival technician 2nd class Drew Dazzo, deployed in response to a distress signal from the 44-foot sailing vessel Sean Seamour II. The vessel, on a recreational sailing trip from Green Coves Spring, FL, to Portugal's Azores Islands, had capsized amidst the hurricane-force winds of Subtropical Storm Andrea. The three sailors aboard were forced to evacuate to a small raft just before their ship was swallowed by the ocean.

Higgins, serving as flight mechanic, worked closely with Nelson, who piloted the helicopter, and Dazzo, the team's rescue swimmer, to execute their mission. Working quickly and expertly, Higgins lowered Dazzo over and over again into the towering waves to reach the sailboat crew. Once the first two sailors had been lifted to safety, Higgins and Nelson demonstrated what the Coast Guard's Summary of Action called ''the utmost of crew coordination, teamwork and aeronautical skill'' as they hoisted Dazzo only 30 feet above the water to position him closer to the life raft and the last survivor.

As Higgins worked to raise the final survivor from the ocean, he felt the hoist cable begin to fray with the rescue basket still 100 feet below the helicopter and the rescue swimmer still in the water. Despite suffering from exhaustion and the effects of saltwater inhalation, Dazzo waited to request an emergency pickup until he could see that the last survivor was in the aircraft.

Again demonstrating extraordinary skill and teamwork in a life-or-death situation, Higgins managed to get the rescued sailor safely aboard and immediately redeploy the compromised hoist cable to retrieve Dazzo. In the midst of an intense storm, all aboard were safely returned to shore.

Higgins and the rest of his team successfully rescued the crew of the Sean Seamour II despite a punishing storm that threatened their lives and the lives of those they were sent to help. As the Coast Guard's Summary of Action stated:

> High winds, treacherous seas and extreme off-shore distances created a situation that required intense operational risk management, exacting crew coordination, and incredible skill and courage. Without the complete competence, concentration, and professionalism of every crewmember, this operation could have had a disastrous outcome. Each crewmember was essential to the life saving rescue of three mariners.

The Coast Guard Commendation Medal recognizes meritorious service resulting in unusual and outstanding achievement. The courage, bravery, and skill demonstrated by Machinery Technician Higgins in May shows that he is more than worthy of this great honor.

I offer my congratulations to petty officer Scott Higgins and to all those whom the Coast Guard recognizes today. His achievements have brought honor both to him and to his home state of Rhode Island.

ARTICLE BY RABBI MICHAEL COHEN

Mr. LEAHY. Mr. President, I would like to bring to the attention of the Senate an article by Rabbi Michael Cohen who is director of special projects at the Arava Institute for Environmental Studies. Rabbi Cohen recently submitted the article entitled ''The Genesis of Diversity'' to the New York Times. In this article, Rabbi Cohen eloquently reminds us that environmental and biological diversity is not simply a thought or something we simply sit back and observe. Rather we are constant participants in the act of diversity and as such it is our responsibility as human beings to protect our environment. This article serves as a reminder of the importance of preserving environmental and biological diversity during this holiday season.

Mr. President, I ask unanimous consent that Rabbi Michael M. Cohen's article entitled ''The Genesis of Diversity'' be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GENESIS OF DIVERSITY

(By Rabbi Michael Cohen)

In 1968 Hanukkah and Ramadan ended on the same date. The next day was Christmas Eve. That evening, one quarter of the world's population saw, for the first time, images taken by the Apollo 8 astronauts of the earth from a lunar orbit. The earth, a beautifully colored marble ball floating across the black backdrop of the universe, also looked lonely and vulnerable. Those pictures captured the imagination of the world, triggering something in the consciousness of humanity that gave birth to the environmental movement and, two years later, the first Earth Day.

To frame that moment, a shared historic moment that would transcend all the divisions of the world, the Apollo 8 crew read from the beginning of the Bible, the first ten lines from the Book of Genesis. The opening chapters of Genesis not only include the account of the creation of the earth but over and over tell us of the importance of diversity.

All of creation is called ''good,'' reminding us of the value of the multiplicity of the world that we live in. The text also teaches us, by describing everything that is created before humans as ''good,'' that all things have intrinsic value in and of themselves beyond any value that we may place on them. Once humans are created, ''very good'' is the adjective applied by the text. An anthropocentric reading of the text would say this is because the world was created for our needs, and once we are in place we can do what we want with the world. A biocentric reading of the text says that ''very good'' only means that creation as described in the text was complete, and that we humans were the last piece of the biological puzzle.

This reading is supported by the reality that if humans were to disappear from the face of the earth all that had been created before us would go on quite well, actually better, without our presence. However, if a strata of the diversity of life that had been created before humans were to disappear, we, and all that had been created after it, would no longer exist. In a bit of Heavenly humor on Darwin's survival of the fittest, it is actually the smallest and least physically strong species, like the butterflies, bees, and amoebas, that hold the survival of the world in place. Unlike the other species of the planet, we have the power to commit biocide if we do not protect and preserve those smaller forms of life.

The importance of diversity is emphasized a few chapters later, in the story of Noah, where Noah is told to bring pairs of each species onto the ark so that after the flood they can replenish the earth. After the flood, God places a rainbow in the sky as a reminder to never again destroy the world. It is both a symbol and a metaphor: a single ray of light refracted through water, the basic source of all life, produces a prism of colors. As with the Creation story, we are again reminded that the foundation of diversity is that we all come from one source. On its most profound level, this understanding should give us all the awareness that we have a relationship with and are connected to the rest of humanity and creation.

Immediately following the story of Noah we read about the Tower of Babel. The whole account takes up only nine verses. The conventional reading is that its message is one against diversity; the babel of languages at the end of the story is understood as a punishment. The Israeli philosopher Yeshayahu Leibowitz presents a different reading of the text. For Leibowitz, Babel represents a fascist totalitarian state where the aims of the state are valued more than the individual. In such a society, diverse thought and expression is frowned upon. The text tells us that everyone ''had the same language, and the same words.''

We read in the genealogies that link the Noah and Babel stories that the ''nations were divided by their lands, each one with its own language, according to their clans, by their nations.'' Leibowitz sees the babel of languages not as a punishment but a corrective return to how things had been and were supposed to be.

That is still our challenge today. Diversity is not a liberal value; it is the way of the world. We know that the environment outside of our human lives is healthier with greater diversity, coral reefs and rain forests being prime examples. It is also true for humanity. We are better off because of the different religions, nations, cultures, and languages that comprise the human family. The Irish Potato Famine was caused because only one variety of potato was planted. Without diverse crops, the disease spread easily on a large and deadly scale.

In one of his State of the Union addresses, former President Bill Clinton said, ''This fall, at the White House, one of America's leading scientists said something we should all remember. He said all human beings, genetically, are 99.9 percent the same. So modern science affirms what ancient faith has always taught: the most important fact of life is our common humanity. Therefore, we must do more than tolerate diversity—we must honor and celebrate it.''

The opening of the Bible understands diversity not as a noun but as a verb; diversity is the basic action for life as we know it on this planet. Its importance is underscored by the fact that three accounts in its opening chapters highlight diversity as a foundation of the world we live in. Such an orientation is essential for our survival as a species.

DONNA ANTHONY: IN MEMORIAM

Mr. HARKIN. Mr. President, we have a saying in my Senate office: Once a member of the Harkin family, always a member of the Harkin family. On Monday, with the passing of Donna Anthony, a longtime staffer in my Des Moines office, we lost a very valuable and dear member of our family.

It seems like just yesterday that I was presenting Donna with a pin recognizing her 20 years of service to the people of Iowa as a Senate employee. In Donna's case, that wasn't ''service to the people of Iowa'' in the abstract; it was service to thousands of individual Iowans whose lives she touched in very real, concrete ways.

Donna was one of those people who give bleeding-heart liberals a good name. She was always on a personal mission to save the world, or at least as many people as she could.

She was constantly taking up the cause of people who are down on their luck, whether it was a senior citizen getting stiffed by Medicare, an immigrant family who desperately needed a visa, a victim of domestic violence, you name it. Her title may have been ''caseworker supervisor,'' but these were not just cases to her, they were people—and she took each one to heart. She put the passion in compassion.

I remember in Catholic school being taught that Saint Jude was the patron saint of lost causes. Well, I was blessed to know Saint Donna, the patron saint of people in dire need. Saint Jude intercedes with God. Saint Donna interceded with the Federal Government—which may be more challenging. She was constantly working her little miracles.

Donna certainly came through for me—again and again. I long ago lost track of the number of people thanking me for the work that Donna did. And her personal loyalty was just extraordinary. She was always looking out for my best interest and for ways to make me look good.

I remember when I was in Iowa Falls this past August, meeting with the economic development group. They had heard about the great work Donna had done for Marshalltown, and they wanted her to do the same for Iowa Falls.

In fact, what she did in Marshalltown was typical of Donna Anthony going the extra mile, going the extra 10 miles. She worked closely with the Marshalltown Chamber of Commerce when they started making their trips to Washington to lobby for assistance. She drove back and forth to Marshalltown for countless meetings and served as an all-round counselor and advocate for their projects. The Marshall County sheriff, Ted Kamanches—a prominent Republican—became a big supporter of mine because of the great work Donna did for his police force, including having a Federal drug task force placed in Marshalltown.

Twenty years ago, Donna started out in my Des Moines office as receptionist

and front-desk person. She kept getting calls from people on the north side of Des Moines who wanted me to do something to stop prostitution in the area. Donna went to bat for them, and that is how she got her start in community casework and making connections with local law enforcement. She had a knack for bringing people and agencies together and helping them to get things done. This was the beginning of a long and fruitful relationship not only with neighborhood groups in Des Moines but with law enforcement officials all across Iowa.

Mr. President, there is an old expression that we make a living by what we make, but we make a life by what we give. For 20 years in my office, Donna gave her all for the people of Iowa. She touched countless lives. And she made a life to be proud of.

I can offer no higher praise for Donna—or anyone else, for that matter—than that she was a good, decent, and caring human being. I valued her friendship, her counsel, and her incredibly hard work. I think I speak for all of us in the Harkin Senate family in saying that we love Donna very much, and we are deeply grateful that she was a part of our lives.

TRIBUTE TO PATRICK G. HECK

Mr. BAUCUS. Mr. President, I want to honor Mr. Patrick G. Heck, who is retiring this month following 23 years of dedicated Federal service. Pat has served the Finance Committee and all Americans extremely well during his eight years as tax counsel for the U.S. Senate Committee on Finance, and as chief tax counsel for the past 4 years.

As a college freshman, Pat began his congressional career as a file clerk for his Congressman. Throughout his distinguished public service career, Pat's tireless dedication has earned the respect of his peers, family, and community. Pat commands the respect of both Democratic and Republican staff throughout the Senate. Pat is a graduate of the Georgetown University Law Center, with an LL.M. in taxation. He received his J.D. from the University of Toledo College of Law, and is a graduate of American University, with degrees in political science and economics.

Prior to joining the Finance Committee staff, Pat served as assistant counsel on the Select Revenue Subcommittee of the House Committee on Ways and Means. While there, Pat was responsible for leading hearings on intercompany transfer pricing, Internal Revenue Service collection and enforcement. Before that, he was an attorney with the Internal Revenue Service's Office of Chief Counsel.

I know the members of the Senate Finance Committee join me in gratitude for Pat's sage advice on tax policy matters. His efforts have helped to shape the legislative agenda for tax administration and tax reform. He cares deeply about these issues and the effect they have on hard-working Americans. With his ever-meticulous style, Pat has helped me to delve into the important issue of the ''tax gap,'' energy tax incentives, tax cuts for individuals and small businesses, and taxpayer rights.

Pat also helped me develop the idea of extending the time period during which Americans could make tax-exempt contributions to help victims of the tsunami disaster in 2005. This change helped facilitate a floodgate of tax-exempt contributions for these victims.

Mr. President, I ask my colleagues to join me in thanking Pat Heck for his many years of outstanding service and in wishing him well for the future.

ADDITIONAL STATEMENTS

UNIVERSITY OF WISCONSIN–WHITEWATER FOOTBALL TEAM

• Mr. FEINGOLD. Mr. President, they often say that the third time is the charm, and now the University of Wisconsin–Whitewater knows why. After UW–Whitewater's football team came so close to winning the NCAA Division III National Football Championship 2 years in a row, this year they triumphed, winning the big game and becoming Division III's reigning champions. Their fantastic season marked the first Division III football championship in UW–Whitewater's history.

The hard work of the Warhawk football team culminated in a 31–21 victory over two-time defending champion Mount Union College in the Amos Alonzo Stagg Bowl on December 15, 2007, in Salem, VA. The Warhawks bolted to an early 17–0 lead and beat back the comeback attempt of Mount Union, which had come into the game having won 37 contests in a row.

I commend Coach Lance Liepold for his dedication and hard work throughout his rookie season as head coach. I also congratulate Justin Beaver on being named the championship game's Most Outstanding Player, and the winner of the Gagliardi Trophy as the best player in Division III.

The continuing success of University of Wisconsin–Whitewater football has made the people of Wisconsin, and alumni throughout the country, very proud.•

IN HONOR OF G. RAYMOND ''RAY'' EMPSON

• Mr. LIEBERMAN. Mr. President, it is with great respect that I recognize G. Raymond ''Ray'' Empson, who for the past 11 years has served as president of the national nonprofit organization, Keep America Beautiful, Inc., and has announced his well-deserved retirement effective December 31 of this year.

Keep America Beautiful, the organization that many remember as the originator of the famous ''Crying Indian'' public service advertisement in 1971, has been an important part of the fabric of American communities since 1953. Rooted in a nonpartisan and ''hands-on'' approach to improving communities and the environment, KAB forms public-private partnerships that engage everyone in improving not just the physical beauty of their hometowns, but their economic vitality and civic engagement, as well. I am proud that the state of Connecticut is home to the organization's national headquarters in Stamford.

During Ray Empson's tenure, Keep America Beautiful has grown to over 570 local affiliate organizations in communities from coast to coast. Through his leadership, and expansion of the signature event, The Great American Cleanup, KAB and its affiliates have removed millions of tons of litter from the American landscape; planted millions of trees that improve our communities; conserved our natural resources by recycling tons of raw material; improved hiking, biking and nature trails; and most importantly, educated millions of Americans of all ages in sustainable behaviors that prevent litter and reduce waste.

Given all these accomplishments, I can't help but think of Ray Empson's retirement in bittersweet terms. While I am certainly happy for him and wish him all the best, I can't help but think what a loss it will be for the country when he steps down. I am certain, however, that his commitment to the environment and his dedication to improving the quality of life in America's communities will serve as a strong example to all those who know him and have worked with him and will guide the future leadership of KAB.

Thank you G. Raymond Empson. America is a better place because of you.•

TRIBUTE TO REEDSPORT'S FAMILY RESOURCE CENTER

• Mr. SMITH. Mr. President, during this holiday season, my thoughts are with the countless nonprofit organizations in my State of Oregon that provide assistance to those in need. Ever since the days of the pioneers, when folks from miles around would gather for community ''barn raisings,'' the spirit of neighbor helping neighbor has been an important part of the Oregon story.

I rise today to pay tribute to the Family Resource Center in the south coast community of Reedsport, which, over the past decade, has gained a reputation as one of Oregon's most innovative and successful community organizations. Jointly supported by Lower Umpqua Hospital and the Reedsport School District, the Family Resource Center resulted from a community brainstorming meeting to identify ways to help Reedsport area families better access services. A decade after that session, the Family Resource Center averages 550 contacts a month and serves as a model of how entities can

work cooperatively for the betterment of the community, and how an entire community can get information and services in a nonstigmatizing environment.

Through a series of generous grants and donations, the Family Resource Center has been able to supply a tremendous number of services, including acting as an outreach office and an information clearinghouse for many government and nonprofit agencies; providing space for an alternative school and an infant care center; offering a ''connections'' program that matches up people in need of household furniture and appliances with those who have those items to give away; spearheading a school supply drive; providing mental health counseling and drug and alcohol evaluation; offering Red Cross babysitting courses and Oregon Child Care Basics workshops; offering victims' services, including women's support and sexual assault support groups, offering legal aid and paralegal services, and the list goes on and on.

Mr. President, the late Oregon Governor Tom McCall once said, ''Heroes are not giant statues framed against a red sky. They are individuals who say, ''This is my community and it is my responsibility to make it better.'' I am confident that all those who—through their time, talents, and treasure—have helped to write the remarkable 10 year history of the Family Resource Center are true heroes because they have truly made Reedsport a better place in which to live, work, and raise a family.●

TRIBUTE TO GEORGE PARASKEVAIDES

● Ms. SNOWE. Mr. President, today I wish to honor and pay tribute to George Paraskevaides, a world-renowned titan of industry, a much-beloved humanitarian, and a most esteemed philanthropist.

Throughout his exceptional life, George Paraskevaides, in word and deed, exemplified the ageless precepts of ancient Greece: excellence, education, civic engagement, and a love for mankind. And, at every turn, George not only lived up to those ideals—he lived them out in a way that was an example and inspiration to all.

Although an Athenian by birth, George moved his family to Cyprus where he pursued his studies and obtained a formal education in architecture, and where he would form with Stelios Joannou what would become the legendary contracting and civil engineering firm of Joannou & Paraskevaides—or J&P. And today, J&P is one of the largest development companies in the world, employing more than 16,000 people and engaged in projects for airports, hotels, highways, homes, and sports arenas to name just a few. Underpinning J&P's success is its hallmark attention to quality and its reputation for completing projects on time and on budget.

Through the years, however, in true Greek fashion, George was never content with building on his own success alone, and, time and again, demonstrated a generosity of spirit that was undeniably an ennobling force worldwide. His philanthropy was legendary. To cite just a few examples, he contributed to the Children's Heart Fund Hospital in Minneapolis, the Surgical and Transplant Foundation, and the Cyprus Heart Association. He funded countless scholarships for less fortunate Cypriots and founded the Cyprus Kidney Foundation. Perhaps his most historic gesture occurred during World War II when, at the request of British Prime Minister Winston Churchill, George Paraskevaides assisted in building an airport runway for U.S. Allies to use—an act which to this day is remembered for its decisive courage and lasting impact.

It should, therefore, come as no surprise that George Paraskevaides has been recognized globally for his immeasurable concern for his fellow man. The prestigious honors include the Order of the British Empire by Queen Elizabeth II, the Saint Marcus Medal from the Vatican, the St. Paul's Medal by the Greek Orthodox Archbishop of North and South America, the American Hellenic Educational Progressive Association, AHEPA, Philanthropic Award, and many, many others too numerous to mention. For 91 years, Greece, Cyprus, and the world were all blessed by the presence and good works of George Paraskevaides, and how profoundly fitting it was that Cyprus held a State funeral in his honor earlier this month.

Cyprus President Tassos Papadopoulos characterized George best when he described him as ''a model of humanism, dignity, and kindness. His name became synonymous with the ideals of philanthropy and selfless love towards our fellow man.''●

TRIBUTE TO CARROLL COLLEGE

● Mr. TESTER. Mr. President, today I congratulate and honor the football players at Carroll College, in Helena, MT, who this past Saturday became the National Champions of the National Association of Intercollegiate Athletics. The Fighting Saints defeated the University of Sioux Falls 17–to–9 on a cold, rainy day in Savannah, TN.

Folks in my home State are getting used to celebrating championships this time of year. Carroll's historic victory this past Sunday marks the fifth time in 6 years that they have been crowned National Champions.

I want to extend my congratulations to coach Mike Van Diest and his entire staff, cheerleading coach Pam Jones and her squad, athletic director Bruce Parker, Carroll College president Tom Trebon, and the entire Carroll community for bringing home the national title.

But I mostly want to applaud the young men who make up this remarkable team. Years from now they may forget the early morning and late night practices. They may forget the summer training in the Montana heat and other sacrifices they have made. But they will never forget the muddy day in December of 2007 when they raised up that trophy.

As a former teacher and referee I know firsthand how important interscholastic competition can be. It takes the dedication and determination of the young men and women who make a team. It takes the support of the community and the alumni. And it takes patient and talented coaches to lead.

Mr. President, I also know how outstanding an institution Carroll is. I have always been impressed by the accomplishments of both the students and the faculty and as the father of an alumna, I will always have a special place in my heart for Carroll.●

TRIBUTE TO COLONEL JEFFERSON JOSEPH DEBLANC

● Mr. VITTER. Mr. President, I wish to acknowledge COL Jefferson Joseph DeBlanc, Sr., for his dedicated service to Louisiana and the United States of America. I would like to take some time to make a few remarks on his accomplishments.

In 1940, Colonel DeBlanc left school in order to pursue a career in the military. After joining the Marine flight program, he enlisted in the Naval Reserve where he received elimination flight training. He continued his illustrious military career in the Marines, achieving the rank of captain on June 1, 1943, and transferred to the Marine Aircraft Group 11 overseas.

In November 1944, he returned overseas for his second tour of duty. He joined the Marine Fighting Squadron 422 in the Marshall Islands and remained stationed there until May 1945, joining Squadron 212 in order to fight in the Okinawa campaign. In his two tours of duty in the Pacific at Guadalcanal and Okinawa, he shot down nine enemy aircraft. On December 6, 1946, President Truman awarded him the Nation's highest decoration for valor and bravery, the Congressional Medal of Honor ''for his conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty.'' Colonel DeBlanc received this medal for shooting down five enemy Zeros in the Solomons. He went on to be decorated with more than 10 medals, including the Purple Heart, the Distinguished Flying Cross, and multiple Gold Stars.

Colonel DeBlanc later received a master's degree in education. He worked with the St. Martin's Parish School Board and taught physics at Mt. Carmel in New Iberia. After his retirement from the Marine Corps Reserve in 1972, he served as a member in multiple organizations, including the Veterans of Foreign Wars and Medal of Honor Society.

Colonel Jefferson Joseph DeBlanc, Sr., passed away on Thursday, November 22, 2007. Colonel DeBlanc was the last living World War II Medal of Honor recipient from Louisiana. Although he did not perceive his achievement as a fighter pilot as out of the ordinary, many Louisianans will long remember the gallantry, bravery, and valor he exhibited throughout his life.

Thus, today, I am proud to rise to honor a fellow Louisianan, Colonel Jefferson Joseph DeBlanc, Sr., and thank him for his dedicated and tireless service to our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the ''Officer Jeremy Todd Charron Post Office''.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3793. An act to amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.

The message further announced that in accordance with the request of the Senate, the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, and all accompanying papers are hereby returned to the Senate.

At 3:13 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H. J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 62. Concurrent resolution to correct the enrollment of H.R. 660.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

ENROLLED BILL SIGNED

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

At 3:52 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principle residences from gross income, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The message also announced that the resolution from the Senate (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives, do pass with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, without amendment:

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 4, 2007, the Speaker reappoints the following members on the part of the House of Representatives to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009: Ms. Carolyn Bartholomew of the District of Colombia, and Mr. Jeffrey L. Fiedler of Great Falls, Virginia.

At 6:57 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the amendment of the Senate to Amendment #2 of the House to the amendment of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the ''Earnest Childers Department of Veterans Affairs Outpatient Clinic''.

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 19, 2007, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''.

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 15. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy; to the Committee on Agriculture, Nutrition, and Forestry.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3793. To amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4442. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Purchaser Elects Government Road Construction'' (RIN0596–AC40) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4443. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions; Noncompetitive Sale of Timber'' (RIN0596–AB70) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4444. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of General William T. Hobbins, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–4445. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Mark-to-Market Program Revisions'' (RIN2502–AH86) received on December 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4446. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure (New Jersey 2007 Summer Flounder Commercial Fishery)'' (RIN0648–XE00) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4447. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007'' (RIN0648–AT87) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4448. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska'' (RIN0648–XE00) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4449. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement 2008 First Season Atlantic Shark Commercial Management Measures'' (RIN0648–AV93) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4450. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations'' (RIN0596–AC20) received on December 18, 2007; to the Committee on Energy and Natural Resources.

EC–4451. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, two documents recently issued by the Agency related to its regulatory programs; to the Committee on Environment and Public Works.

EC–4452. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan'' (FRL No. 8509–2) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4453. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glufosinate-ammonium; Pesticide Tolerance'' (FRL No. 8342–3) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4454. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plan; South Dakota; Revisions to New Source Review Rules'' (FRL No. 8509–4) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4455. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing'' ((RIN2060–AM12)(FRL No. 8508–5)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4456. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities'' ((RIN2060–AM71)(FRL No. 8509–5)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4457. A communication from the Principal Deputy Associate Administrator, Office

of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources'' (FRL No. 8509–6) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4458. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources'' ((RIN2060–AN21)(FRL No. 8508–6)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4459. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerance Crop Grouping Program; Technical Amendment'' ((RIN2070–AJ28)(FRL No. 8345–4)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4460. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping'' ((RIN2060–AN88)(FRL No. 8508–4)) received on December 18 , 2007; to the Committee on Environment and Public Works.

EC–4461. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Seasonal Adjustments—Copper, Unalakleet, and Yukon Rivers'' (50 CFR Part 100) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4462. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska; Kenai Peninsula Subsistence Resource Region'' (RIN1018–AU92) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4463. A communication from the Secretary of the Treasury, transmitting, pursuant to law, semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–4464. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Pension Benefit Guaranty Corporation's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4465. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4466. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4467. A communication from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Issuance of Multiple Prescriptions for Schedule II Controlled Substances'' (RIN1117–AB01) received on December 18, 2007; to the Committee on the Judiciary.

EC–4468. A copy of a complaint as required by section 403(a)(2) of the Bipartisan Campaign Reform Act of 2002 relative to the case of Citizens United v. FEC; to the Committee on Rules and Administration.

EC–4469. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program and Technical Amendments'' (RIN0584–AD54) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4470. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Appraising Recreation Residence Lots and for Managing Recreation Residence Uses Pursuant to the Cabin User Fee Fairness Act'' (RIN0596–AB83) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4471. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Garrett Harencak to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–4472. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Fair Credit Reporting, Subpart C—Affiliate Marketing'' (RIN3133–AD00) received on December 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4473. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC–4474. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2008 Summer Flounder Coastwide Recreational Interim Management Measures'' (RIN0648–AC99) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4475. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Forest System Land Management Planning'' (RIN0596–AC43) received on December 18, 2007; to the Committee on Energy and Natural Resources.

EC–4476. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing activities during fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–4477. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2007–2008 Subsistence Taking of Fish and Shellfish Regulations'' (RIN1018–AU57) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2007–101) received on December 18, 2007; to the Committee on Finance.

EC–4479. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the compliance of several countries to freedom of emigration provisions; to the Committee on Finance.

EC–4480. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (6) reports relative to vacancies within the Department, received on December 18, 2007; to the Committee on Finance.

EC–4481. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for fiscal year 2007; to the Committee on Foreign Relations.

EC–4482. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of technical data to Israel for the manufacture of the Advanced Digital Dispensing System II Countermeasure Dispenser System; to the Committee on Foreign Relations.

EC–4483. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of technical data to Canada to support the manufacture of Decoder Assemblies; to the Committee on Foreign Relations.

EC–4484. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4485. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Agency's Inspector General for the period ending September 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4486. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4487. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4488. A communication from the Attorney General, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the six-month period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4489. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4490. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ended September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4491. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4492. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees'' (RIN3206–AL31) received on December 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4493. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–217 , ''Rent Administrator Hearing Authority Temporary Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4494. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–218, ''Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4495. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–219 , ''Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4496. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–220 , ''Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4497. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–221 , ''Nuisance Property Abatement Reform and Real Property Classification Temporary Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4498. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–222 , ''Bicycle Communter Commuted and Parking Expansion Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4499. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–223, ''Exploratory Committee Regulation Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4500. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–224 , ''Child and Family Services Grant-making Temporary Amendment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–225 , ''Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4502. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–226 , ''Student Access to Treatment Act of 2007'' received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4503. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–22'' (FAC 2005–22) received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4504. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Uses; Managing Recreation Residences and Assessing Fees Under the Cabin User Fee Fairness Act'' (RIN0596–AB83) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4505. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority'' (RIN0596–AC09) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4506. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance with Special Use Authorizations'' (RIN0596–AB36) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4507. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions'' (RIN3206–AK35) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4508. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the International Space Station's second pressurized node; to the Committee on Commerce, Science, and Transportation.

EC–4509. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to cross-border interoperability with Canada; to the Committee on Commerce, Science, and Transportation.

EC–4510. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Navajo Electrification Demonstration Program; to the Committee on Energy and Natural Resources.

EC–4511. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualifying Relative for Purposes of Section 152(d)(1)'' (Notice 2008–5) received on December 18, 2007; to the Committee on Finance.

EC–4512. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2007 Section 846 Discount Factors'' (Rev. Proc. 2008–10) received on December 18, 2007; to the Committee on Finance.

EC–4513. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan to manufacture Mission Data Recorders and other devices to support F–15 aircraft; to the Committee on Foreign Relations .

EC–4514. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the Network System for the A400M Aircraft; to the Committee on Foreign Relations.

EC–4515. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Mexico to support the manufacture of minor aircraft parts for various military aircraft; to the Committee on Foreign Relations.

EC–4516. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Australia, Canada, France, Italy, and Singapore for the design of the Optus D3 Commercial Communications Satellite Program for Australia; to the Committee on Foreign Relations.

EC–4517. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the United Arab Emirates, Italy, and France for the installation and follow-on support of the Rolling Air Frame Missile Guided Missile Launch System; to the Committee on Foreign Relations.

EC–4518. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel to provide continued support for the upgrade of the USAF's T–38 training aircraft's avionics; to the Committee on Foreign Relations.

EC–4519. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense data to Italy for the manufacture of upper wing skins for the F–35 Joint Strike Fighter; to the Committee on Foreign Relations.

EC–4520. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to the Philippines and South Korea necessary for the

assembly of Complimentary Metal Oxide Semiconductor Application Specific Integrated Circuits; to the Committee on Foreign Relations.

EC–4521. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles in support of the manufacture of components for the AN/APG–66J Fire Control Radar System; to the Committee on Foreign Relations.

EC–4522. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the permanent transfer of three F–16 B MLU M2 Block 10 and three F–16 B MLU M2 Block 15 aircraft; to the Committee on Foreign Relations.

EC–4523. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to South Korea to support the developmental manufacture of the T–701K helicopter engine; to the Committee on Foreign Relations.

EC–4524. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles in support of the Sistema de Vigilancia de Amazonia Wide Area Surveillance System; to the Committee on Foreign Relations.

EC–4525. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to France, Germany, Gibraltar, Luxembourg, the Netherlands, Spain, Sweden, and the United Kingdom for the design of the New Skies Satellite Satellites Program; to the Committee on Foreign Relations.

EC–4526. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles in support of the Communication and Information System Wideband Programmable Network Radio; to the Committee on Foreign Relations.

EC–4527. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the permanent transfer of eleven Jordanian F–5 aircraft to the Government of Brazil; to the Committee on Foreign Relations.

EC–4528. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel to support the manufacture of F/A–18 Leading Edge Extensions and Aft Nose Landing Gear Doors; to the Committee on Foreign Relations.

EC–4529. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to Iraq for the period of October 15, 2007, through December 15, 2007; to the Committee on Foreign Relations.

EC–4530. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates'' (RIN1400–AC42) received on December 19, 2007; to the Committee on Foreign Relations.

EC–4531. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–272. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running; to the Committee on Commerce, Science, and Transportation.

POM–273. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to designate NW 7th Avenue from NW 35th Street as Dr. Barbara Carey-Shuler Avenue; to the Committee on Environment and Public Works.

POM–274. A report from the City Clerk of the City of Punta Gorda in the State of Florida relative to the Minority Reporting Form for 2006; to the Committee on Health, Education, Labor, and Pensions.

POM–275. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to increase the penalties and fines for dog and other animal fighting; to the Committee on the Judiciary.

POM–276. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging Congress to reinstate the federal assault weapons ban; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads (Rept. No. 110–252).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 595. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency (Rept. No. 110–253).

S. 1523. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant (Rept. No. 110–254).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 103–39 United Nations Convention on the Law of the Sea (Ex. Rept. 110–9)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations and Understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the ''Convention''), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the ''Agreement'') (T. Doc. 103–39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Section 2. Declarations Under Articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were ''military activities'' and that such determinations are not subject to review.

Section 3. Other Declarations and Understandings under Article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to ''peaceful uses'' or ''peaceful purposes,'' impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the

right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their ''normal mode'';

(B) ''normal mode'' includes, inter alia—

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words ''strait'' and ''straits'' are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term ''used for international navigation'' includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that ''marine scientific research'' does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability of a State to prohibit or restrict imports of goods into its territory in order to, inter alia, promote or require compliance with environmental and conservation laws, norms, and objectives.

(8) The United States understands that articles 220, 228, and 230 apply only to pollution from vessels (as referred to in article 211) and not, for example, to pollution from dumping.

(9) The United States understands, with respect to articles 220 and 226, that the ''clear grounds'' requirement set forth in those articles is equivalent to the ''reasonable suspicion'' standard under United States law.

(10) The United States understands, with respect to article 228(2), that—

(A) the ''proceedings'' referred to in that paragraph are the same as those referred to in article 228(1), namely those proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings; and

(B) fraudulent concealment from an officer of the United States of information concerning such pollution would extend the three-year period in which such proceedings may be instituted.

(11) The United States understands, with respect to article 230, that—

(A) it applies only to natural persons aboard the foreign vessels at the time of the act of pollution;

(B) the references to ''monetary penalties only'' exclude only imprisonment and corporal punishment;

(C) the requirement that an act of pollution be ''willful'' in order to impose nonmonetary penalties would not constrain the imposition of such penalties for pollution caused by gross negligence;

(D) in determining what constitutes a ''serious'' act of pollution, a State may consider, as appropriate, the cumulative or aggregate impact on the marine environment of repeated acts of pollution over time; and

(E) among the factors relevant to the determination whether an act of pollution is ''serious,'' a significant factor is non-compliance with a generally accepted international rule or standard.

(12) The United States understands that sections 6 and 7 of Part XII do not limit the authority of a State to impose penalties, monetary or non-monetary, for, inter alia—

(A) non-pollution offenses, such as false statements, obstruction of justice, and obstruction of government or judicial proceedings, wherever they occur; or

(B) any violation of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment that occurs while a foreign vessel is in any of its ports, rivers, harbors, or offshore terminals.

(13) The United States understands that the Convention recognizes and does not constrain the longstanding sovereign right of a State to impose and enforce conditions for the entry of foreign vessels into its ports, rivers, harbors, or offshore terminals, such as a requirement that ships exchange ballast water beyond 200 nautical miles from shore or a requirement that tank vessels carrying oil be constructed with double hulls.

(14) The United States understands, with respect to article 21(2), that measures applying to the ''design, construction, equipment or manning'' do not include, inter alia, measures such as traffic separation schemes, ship routing measures, speed limits, quantitative restrictions on discharge of substances, restrictions on the discharge and/or uptake of ballast water, reporting requirements, and record-keeping requirements.

(15) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate discharges into the marine environment resulting from industrial operations on board a foreign vessel.

(16) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate the introduction into the marine environment of alien or new species.

(17) The United States understands that, with respect to articles 61 and 62, a coastal State has the exclusive right to determine the allowable catch of the living resources in its exclusive economic zone, whether it has the capacity to harvest the entire allowable catch, whether any surplus exists for allocation to other States, and to establish the terms and conditions under which access may be granted. The United States further understands that such determinations are, by virtue of article 297(3)(a), not subject to binding dispute resolution under the Convention.

(18) The United States understands that article 65 of the Convention lent direct support to the establishment of the moratorium on commercial whaling, supports the creation of sanctuaries and other conservation measures, and requires States to cooperate not only with respect to large whales, but with respect to all cetaceans.

(19) The United States understands that, with respect to article 33, the term ''sanitary laws and regulations'' includes laws and regulations to protect human health from, inter alia, pathogens being introduced into the territorial sea.

(20) The United States understands that decisions of the Council pursuant to procedures other than those set forth in article 161(8)(d) will involve administrative, institutional, or procedural matters and will not result in substantive obligations on the United States.

(21) The United States understands that decisions of the Assembly under article 160(2)(e) to assess the contributions of members are to be taken pursuant to section 3(7) of the Annex to the Agreement and that the United States will, pursuant to section 9(3) of the Annex to the Agreement, be guaranteed a seat on the Finance Committee established by section 9(1) of the Annex to the Agreement, so long as the Authority supports itself through assessed contributions.

(22) The United States declares, pursuant to article 39 of Annex VI, that decisions of the Seabed Disputes Chamber shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such decisions shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States.

(23) The United States—

(A) understands that article 161(8)(f) applies to the Council's approval of amendments to section 4 of Annex VI;

(B) declares that, under that article, it intends to accept only a procedure that requires consensus for the adoption of amendments to section 4 of Annex VI; and

(C) in the case of an amendment to section 4 of Annex VI that is adopted contrary to this understanding, that is, by a procedure other than consensus, will consider itself bound by such an amendment only if it subsequently ratifies such amendment pursuant to the advice and consent of the Senate.

(24) The United States declares that, with the exception of articles 177–183, article 13 of Annex IV, and article 10 of Annex VI, the provisions of the Convention and the Agreement, including amendments thereto and rules, regulations, and procedures thereunder, are not self-executing.

SECTION 4. Conditions.

(a) IN GENERAL.—The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 15 days after the receipt by the Secretary of State of a written communication from the Secretary-General of

the United Nations or the Secretary-General of the Authority transmitting a proposal to amend the Convention pursuant to article 312, 313, or 314, the President shall submit to the Committee on Foreign Relations of the Senate a copy of the proposed amendment.

(2) Prior to the convening of a Conference to consider amendments to the Convention proposed to be adopted pursuant to article 312 of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendments to be considered at the Conference. The President shall also consult with the Committee on Foreign Relations of the Senate on any amendment proposed to be adopted pursuant to article 313 of the Convention.

(3) Not later than 15 days prior to any meeting—

(A) of the Council of the International Seabed Authority to consider an amendment to the Convention proposed to be adopted pursuant to article 314 of the Convention; or

(B) of any other body under the Convention to consider an amendment that would enter into force pursuant to article 316(5) of the Convention; the President shall consult with the Committee on Foreign Relations of the Senate on the amendment and on whether the United States should object to its adoption.

(4) All amendments to the Convention, other than amendments under article 316(5) of a technical or administrative nature, shall be submitted by the President to the Senate for its advice and consent.

(5) The United States declares that it shall take all necessary steps under the Convention to ensure that amendments under article 316(5) are adopted in conformity with the treaty clause in Article II, section 2 of the United States Constitution.

(b) INCLUSION OF CERTAIN CONDITIONS IN INSTRUMENT OF RATIFICATION.—Conditions 4 and 5 shall be included in the United States instrument of ratification to the Convention.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs. *Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

FINANCIAL DISCLOSURE

Mary Ann Glendon, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee—Mary Ann Glendon.

Post—Ambassador to Holy See.

Contributions, Amount, Date, and Donee:

1. Self: Mary Ann Glendon, none.

2. Spouse: Edward R. Lev, none.

3. Children and Spouses: Sarah P. Hood, daughter, none; Darren Hood, son in law, none; Elizabeth Lev, daughter, none; Katherine Lev, daughter, $300, 2003 and 2004 (Est.), Congressman Stephen Lynch D-MASS.

4. Parents: Martin Glendon, deceased; Sarah Glendon, deceased.

5. Grandparents: Theodore Pomeroy, deceased; Julia Pomeroy, deceased; Martin Glendon, deceased; Mary Ann Glendon, deceased.

6. Brothers and Spouses: Martin Glendon, brother, Cynthia Glendon, sister in law, none; none.

7. Sisters and Spouses: Julia Glendon, none.

Charles W. Larson, Jr., of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles William Larson, Jr.

Post: U.S. Ambassador to Latvia.

Contributions, Amount, Date, and Donee:

1. Charles W. Larson, Jr., $1,200, 06/27/07 John McCain 2008; $1,200, 03/31/07, John McCain 2008; $500, 11/15/06, DCI PAC; $2,000, 09/30/03, Bush-Cheney '04; $250, 05/15/03, Grassley Committee; $300, 01/13/05, 55th Presidential Inaugural Committee; $300, 01/13/05, 55th Presidential Inaugural Committee.

2. Spouse: Jennifer E. Larson, none.

3. Children: Charles W. Larson, III, none; John-Henry C. Larson, none.

4. Parents: Charles W. Larson, father, $1,000, 03/26/03, Republican Party of IA; Ellen T. Larson, mother, $500, 07/25/05, Republican Party of IA; $75, 09/30/05, Republican Party of IA; $1,000, 01/26/04, Grassley Committee; $1,000, 01/26/04, Grassley Committee; $1,000, 03/26/03, Republican Party of IA; $2,000 07/07/03, Bush-Cheney '04; $100, 09/21/03, Thompson for Congress; $2,000, 12/29/03, Grassley for Senate.

5. Grandparents: Dorothy Hagner, grandmother, none; Arthur Hagner, grandfather, deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses; Carrie L. Graham, $500, 2007 calendar, Pfizer PAC; $500, 2006 calendar, Pfizer PAC; $500, 2005 calendar, Pfizer PAC; $500, 2004 calendar, Pfizer PAC; $500, 4/13/2004, Bush-Cheney '04; $1,000, 07/07/2003, Bush-Cheney '04; $500, 2002 calendar, Pfizer PAC; $500, 2002 calendar, Pfizer PAC; Andrew F. Graham, none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 11. A bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA):

S. 2519. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON (for himself, Mr. SMITH, and Mr. DORGAN):

S. 2520. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribal governments to transfer the credit for electricity produced from renewable resources; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2521. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, and Mr. KERRY):

S. 2522. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2008; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. SANDERS, Mr. DOMENICI, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, and Mr. REED):

S. 2523. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2524. A bill to improve the enforcement of the Davis-Bacon Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. DURBIN):

S. 2525. A bill to prevent health care facility-acquired infections; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 2526. A bill to protect health care workers and first responders, including police, fire-fighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA and pandemic influenza; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2527. A bill to prohibit the obligation or expenditure of funds for the Osprey tiltrotor aircraft; to the Committee on Appropriations.

By Mr. MENENDEZ:

S. 2528. A bill to authorize guarantees for bonds and notes issued for community or economic development purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. BAYH):

S. 2529. A bill to improve disclosures for charitable giving, protect charities, inform consumers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Mr. BAUCUS):

S. 2530. A bill entitled the ''Federal Aviation Administration Extension Act of 2007''; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 2531. A bill to amend the Tariff Act of 1930 to revise the antidumping duties and countervailing duties relating to the production of low-enriched uranium, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. LUGAR, and Ms. MURKOWSKI):

S. Res. 417. A resolution expressing the sense of the Senate that the United States should expand trade opportunities with Mongolia and initiate negotiations to enter into a free trade agreement with Mongolia; to the Committee on Finance.

By Mr. BIDEN:

S. Res. 418. A resolution expressing the sense of the Senate regarding provocative and dangerous statements made by officials of the Government of the Russian Federation concerning the territorial integrity of the Republic of Georgia; to the Committee on Foreign Relations.

By Mr. REID (for Mrs. CLINTON):

S. Con. Res. 63. A concurrent resolution expressing the sense of the Congress regarding the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Con. Res. 64. A concurrent resolution commending the Alaksa Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 453

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 596

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 596, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of Internet pharmacies.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 911

At the request of Mr. REED, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1141

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) 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. 1466

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1593

At the request of Mr. BAYH, his name was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 1981

At the request of Mr. REED, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) 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. 2059

At the request of Mrs. CLINTON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor 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. 2209

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2425

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2425, a bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes.

S. 2431

At the request of Mr. BROWN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2431, a bill to address emergency shortages in food banks.

S. 2478

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2478, a bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office''.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. RES. 389

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 389, a resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 11. A bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, as one of the Senate's commercially licensed pilots, I rise to talk about an issue near and dear to my heart—flying. As many in this Chamber know, I love flying and have flown thousands of hours, attended the well-known AirVenture aviation event in Oshkosh, Wisconsin, each year, and even recreated Wiley Post's trip around the world. I have received notable recognition for this beloved hobby.

Today, I am here to acknowledge a group of people who share my love of flying—volunteer pilots. Non-profit, charitable associations called Volunteer Pilot Organizations, VPOs, provide the resources to help these self-sacrificing men and women serve people in need.

There are approximately 40 to 50 VPO's in the United States ranging from small, local groups to large, national associations. Air Charity Network, ACN, is the Nation's largest VPO and has seven member organizations that collectively serve the entire country and perform about 90 percent of all charitable aviation missions in the U.S. ACN's volunteer pilots provide free air transportation for people in need of specialized medical treatment at distant locations due to family, community or national crises. They also step in when commercial air service is not available with middle-of-the-night organ transplant patient flights, disaster response missions evacuating special needs patients, and transport of blood or blood products in emergencies.

ACN and its more than 8,000 volunteer pilots use their own planes, pay for their own fuel, and even take time from their ''day'' jobs to serve people in need. These Good Samaritans will provide charitable flights for an estimated 24,000 patients this year alone and their safety record is phenomenal. In their more than 30 years of service, the pilots of ACN have flown over 250,000 missions covering over 80 million miles and have never had a fatal accident.

Following the September 11 terrorist attacks, ACN aircraft were the first to be approved to fly in disaster-response teams and supplies. Similarly, in 2005, ACN pilots flew over 2,600 missions after Hurricanes Katrina and Rita, reuniting families torn apart by the disaster and relocating them to safe housing. Their service was invaluable to the thousands of people they saved during these national crises.

Despite this goodwill, there is a loophole in the law that subjects these heroes and charitable organizations to frivolous, costly lawsuits. Currently, although volunteer pilots are required to carry liability insurance, if they have an accident, the injured party can sue for any amount of money—the sky is the limit. It would be up to a jury to decide on an amount. If that amount is higher than the liability limit on a pilot's insurance, then the pilot is at risk of losing their personal investments, home, business and other assets, potentially bringing them financial ruin.

Additionally, the cost of insurance and lack of available non-owned aircraft liability insurance for organizations since the terrorist attacks of September 11 prevents VPOs from acquiring liability protection for their organizations, boards, and staff. Without this insurance, if a volunteer pilot were to have an accident using his or her own aircraft, everyone connected to the organization could be subject to a costly lawsuit, despite the fact that none of those people were directly involved with the dispatch of the flight, the pilot's decisions, or the aircraft itself.

Exposure to this type of risk makes it difficult for these organizations to recruit and retain volunteer pilots and professional staff. It also makes referring medical professionals such as hospitals, doctors, nurses, social workers, and disaster agencies like the American Red Cross, less likely to tell patients or evacuees that charitable medical air transportation is available for fear of a liability suit against them. Instead of focusing on serving people with medical needs, these organizations are spending considerable time and resources averting a lawsuit and recruiting volunteers.

This is why today I am introducing the Volunteer Pilot Organization Protection Act of 2007, which I cosponsored in the last two Congresses, to help close this costly loophole. My bill amends the Volunteer Protection Act of 1997, VPA, which was intended to increase volunteerism in the United States, to include groups such as ACN and the American Red Cross in the list of types of organizations that are currently exempt from liability. More specifically, it will protect volunteer pilot organizations, their boards, paid staff and non-flying volunteers from liability should there be an accident. It will also provide liability protection for individual volunteer pilots over and above the liability insurance that they are currently required to carry, as well

as liability protection for the referring agencies who inform their patients of charitable flight services.

Similar legislation was introduced in the Senate in the past several Congresses and passed overwhelmingly in the House in the 108th Congress by a vote of 385–12 and by voice vote in the 109th Congress. Clearly, the Volunteer Pilot Organization Protection Act has significant support. The companion version, H.R. 2191, was introduced in May by my colleague, Congresswoman THELMA DRAKE, with ten original, bipartisan cosponsors.

My bill will go a long way to help eliminate unnecessary liability risk and allow volunteer pilots and the charitable organizations for which they fly to concentrate on what they do best—save lives. Please join me in supporting the Volunteer Pilot Organization Protection Act of 2007.

By Mr. LIEBERMAN (for himself, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2521. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the domestic Partnership Benefits and Obligations Act of 2007, which my good friend from the other side of the aisle, Senator SMITH, and I introduced last Congress and are introducing again today, along with 19 other cosponsors.

This legislation is another step in the process to make the Federal Government more competitive in an ever-changing business world. It would require the Government to extend employee benefit programs to the same-sex domestic partners of Federal employees. It is sound public policy and it makes excellent business sense.

Under our bill, Federal employee and the employee's domestic partner would be eligible to participate in health benefits, Family and Medical Leave, long-term care, Federal retirement benefits, and other benefits to the same extent that married employees and their spouses participate. Employees and their partners would also assume the same obligations that apply to married employees and their spouses, such as anti-nepotism rules and financial disclosure requirements.

The Federal Government is our Nation's largest employer and should lead other employers, rather than lagging behind, in the quest to provide equal and fair compensation and benefits to all employees. That thousands of Federal workers who have dedicated their careers to public service and who live in committed relationships with same-sex domestic partners receive fewer protections for their families than those married employees is patently unfair and, frankly, makes no economic sense.

Just ask the leaders of more than half of the Fortune 500 companies who already extend employee benefit programs to their employees' domestic partners. The fact is that most of America's major corporations now offer health benefits to employees' domestic partners, up from 25 percent in 2000. Overall, more than 9,700 private-sector companies provide available benefits to employees' domestic partners, as do several hundred State and local governments and colleges and universities.

General Electric, Chevron, Boeing, Texas Instruments, IBM, Raytheon, BP, Hospital Corporation of America, Lockheed Martin, Duke Energy Corp., and AT&T are among the major employers that have recognized the economic benefit of providing for domestic partners. The governments of 13 States—including, I might add, my home State of Connecticut—and about 145 local jurisdictions across the land, as well as multiple educational institutions, have joined the trend. They aren't all doing this just because it is the right thing to do. They are also doing it because it is good business policy.

Non-federal employers have told surveyors that they extend benefits to domestic partners to boost recruitment and retain quality employees—as well as to be fair. The Federal Government needs to compete against the private sector companies to recruit and retain the ''best and the brightest,'' to safeguard the Nation by serving in essential areas such as homeland security, national defense, and environmental protection and to help make sure that American taxpayers get their money's worth. The Government will always be at a definite disadvantage in competing for and retaining highly qualified personnel if it cannot match the domestic-partner benefits programs provided by leading non-federal employers.

Furthermore, coverage of domestic partners adds very little to the total cost of providing employee benefits. Based on the experience of private companies and State and local governments, the Congressional Budget Office has estimated that offering benefits to the same-sex domestic partners of Federal employees would increase the cost of those programs by less than ½ of 1 percent.

Our former ambassador to Romania and Dean of the Foreign Service Institute recently felt obliged to quit the Foreign Service because the State Department does not offer the kind of domestic partnership benefits that this bill would provide. Let me read a line from his farewell speech. He said, ''. . . I have felt compelled to choose between obligations to my partner—who is my family—and service to my country. That anyone should have to make that choice is a stain on the Secretary's leadership and a shame for this institution and our country.''

Those are powerful and poignant words, and it is a tragedy that a loyal and talented public servant—who described the Foreign Service as the career he was ''born for . . . what I was always meant to do''—felt he had to leave the Service because his Federal employee benefits would not enable him to adequately care for the needs of his family.

I call upon my colleagues to express their support for this important legislation. It is time for the Federal Government to catch up to the private sector, not just to set an example but so that it can compete for the most qualified employees and ensure that all of our public servants receive fair and equitable treatment. It makes good economic and policy senses. It is the right thing to do.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

S. 2521

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 ''Domestic Partnership Benefits and Obligations Act of 2007''.

SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—An employee who has a domestic partner and the domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a married employee and the spouse of the employee.

(b) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits and assume obligations under this Act, an employee shall file an affidavit of eligibility for benefits and obligations with the Office of Personnel Management identifying the domestic partner of the employee and certifying that the employee and the domestic partner of the employee—

(1) are each other's sole domestic partner and intend to remain so indefinitely;

(2) have a common residence, and intend to continue the arrangement;

(3) are at least 18 years of age and mentally competent to consent to contract;

(4) share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) are not married to or domestic partners with anyone else;

(6) are same sex domestic partners, and not related in a way that, if the 2 were of opposite sex, would prohibit legal marriage in the State in which they reside; and

(7) understand that willful falsification of information within the affidavit may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification and may constitute a criminal violation.

(c) DISSOLUTION OF PARTNERSHIP.—

(1) IN GENERAL.—An employee or domestic partner of an employee who obtains benefits under this Act shall file a statement of dissolution of the domestic partnership with the Office of Personnel Management not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership.

(2) DEATH OF EMPLOYEE.—In a case in which an employee dies, the domestic partner of

the employee at the time of death shall receive under this Act such benefits as would be received by the widow or widower of an employee.

(3) OTHER DISSOLUTION OF PARTNERSHIP.—

(A) IN GENERAL.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any benefits received by the domestic partner as a result of this Act shall terminate.

(B) EXCEPTION.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, the former domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a former spouse.

(d) STEPCHILDREN.—For purposes of affording benefits under this Act, any natural or adopted child of a domestic partner of an employee shall be deemed a stepchild of the employee.

(e) CONFIDENTIALITY.—Any information submitted to the Office of Personnel Management under subsection (b) shall be used solely for the purpose of certifying an individual's eligibility for benefits under subsection (a).

(f) REGULATIONS AND ORDERS.—

(1) OFFICE OF PERSONNEL MANAGEMENT.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall promulgate regulations to implement section 2 (b) and (c).

(2) OTHER EXECUTIVE BRANCH REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the President or designees of the President shall promulgate regulations to implement this Act with respect to benefits and obligations administered by agencies or other entities of the executive branch.

(3) OTHER REGULATIONS AND ORDERS.—Not later than 6 months after the date of enactment of this Act, each agency or other entity or official not within the executive branch that administers a program providing benefits or imposing obligations shall promulgate regulations or orders to implement this Act with respect to the program.

(4) PROCEDURE.—Regulations and orders required under this subsection shall be promulgated after notice to interested persons and an opportunity for comment.

(g) DEFINITIONS.—In this Act:

(1) BENEFITS.—The term ''benefits'' means—

(A) health insurance and enhanced dental and vision benefits, as provided under chapters 89, 89A, and 89B of title 5, United States Code;

(B) retirement and disability benefits and plans, as provided under—

(i) chapters 83 and 84 of title 5, United States Code;

(ii) chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); and

(iii) the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. chapter 38);

(C) family, medical, and emergency leave, as provided under—

(i) subchapters III, IV, and V of chapter 63 of title 5, United States Code;

(ii) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), insofar as that Act applies to the Government Accountability Office and the Library of Congress;

(iii) section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312); and

(iv) section 412 of title 3, United States Code;

(D) Federal group life insurance, as provided under chapter 87 of title 5, United States Code;

(E) long-term care insurance, as provided under chapter 90 of title 5, United States Code;

(F) compensation for work injuries, as provided under chapter 81 of title 5, United States Code;

(G) benefits for disability, death, or captivity, as provided under—

(i) sections 5569 and 5570 of title 5, United States Code;

(ii) section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973);

(iii) part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), insofar as that part applies to any employee; and

(H) travel, transportation, and related payments and benefits, as provided under—

(i) chapter 57 of title 5, United States Code;

(ii) chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.); and

(iii) section 1599b of title 10, United States Code; and

(I) any other benefit similar to a benefit described under subparagraphs (A) through (H) provided by or on behalf of the United States to any employee.

(2) DOMESTIC PARTNER.—The term ''domestic partner'' means an adult unmarried person living with another adult unmarried person of the same sex in a committed, intimate relationship.

(3) EMPLOYEE.—The term ''employee''—

(A) means an officer or employee of the United States or of any department, agency, or other entity of the United States, including the President of the United States, the Vice President of the United States, a Member of Congress, or a Federal judge; and

(B) shall not include a member of the uniformed services.

(4) OBLIGATIONS.—The term ''obligations'' means any duties or responsibilities with respect to Federal employment that would be incurred by a married employee or by the spouse of an employee.

(5) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given under section 2101(3) of title 5, United States Code.

SEC. 3. EFFECTIVE DATE.

This Act including the amendments made by this Act shall—

(1) with respect to the provision of benefits and obligations, take effect 6 months after the date of enactment of this Act; and

(2) apply to any individual who is employed as an employee on or after the date of enactment of this Act.

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 2007

SUMMARY

Under the Domestic Partnership Benefits and Obligations Act of 2007, federal employees who have same-sex domestic partners will be entitled to the same employment benefits that are available to married federal employees and their spouses. Federal employees and their domestic partners will also be subject to the same employment-related obligations that are imposed on married employees and their spouses.

In order to obtain benefits and assume obligations, an employee must file an affidavit of eligibility with the Office of Personnel Management (OPM). The employee must certify that the employee and the employee's same-sex domestic partner have a common residence, share responsibility for each other's welfare and financial responsibilities, are not related by blood, and are living together in a committed intimate relationship. They must also certify that, as each other's sole domestic partner, they intend to remain so indefinitely. If a domestic partnership dissolves, whether by death of the domestic partner or otherwise, the employee must file a statement of dissolution with OPM within 30 days.

Employees and their domestic partners will have the same benefits as married employees and their spouses under—

Employee health benefits.
Retirement and disability plans.
Family, medical, and emergency leave.
Group life insurance.
Long-term care insurance.
Compensation for work injuries.
Death, disability, and similar benefits.
Relocation, travel, and related expenses.

For purposes of these benefits, any natural or adopted child of the domestic partner will be treated as a stepchild of the employee.

The employee and the employee's domestic partner will also become subject to the same duties and responsibilities with respect to federal employment that apply to a married employee and the employee's spouse. These will include, for example, anti-nepotism rules and financial disclosure requirements.

The Act will apply with respect to those federal employees who are employed on the date of enactment or who become employed on or after that date.

Mr. SMITH. Mr. President, I am very pleased to join my colleague, Senator LIEBERMAN, today to introduce legislation that will entitle Federal employees with same-sex domestic partners to the same employment benefits that are available to married Federal employees and their spouses and families. Under the Domestic Partnership Benefits and Obligations Act of 2007, employees and their domestic partners would have similar access to employee health benefits, retirement, and disability plans, family medical and emergency leave, group life and long-term care insurance, compensation for work injuries, death and disability benefits, and relocation and travel expenses.

More and more American corporations, as well as State and local governments, are offering domestic partner benefits. Approximately half of Fortune 500 companies now offer health benefits to employees' domestic partners. That is up from 25 percent in 2000. In all, more than 9,700 private companies as well as several hundred State and local government and universities and colleges offer these benefits.

Private and governmental employers are offering domestic partner benefits for a variety of reasons. Chief among these reasons are recruitment and retention of employees. To be competitive, companies want to attract and retain the best and the brightest in the workforce regardless of their family status. Offering work-life benefits has been an important tool to retain valuable employees. In addition, more employers providing domestic partner benefits may result in a more stable workforce. If an employee's domestic partner has access to preventative health care, the employee is less likely to take prolonged absences from the job to care for their partner.

While all these reasons are meritorious, we introduced this legislation as a matter of equality. It is just the right thing to do. The Federal Government should lead by example and that should start with equal treatment of all employees.

Recently, a top State Department employee and former Ambassador to Romania, Michael Guest, announced his decision to leave Government service. At his retirement ceremony, Ambassador Guest stated, ''Most departing ambassadors use these events to talk about their successes . . . But I want to talk about my single failure, the failure that in fact is causing me to leave the career that I love.'' The failure which Mike spoke of was his inability to convince the Federal Government to extend employee benefits to same-sex couples. Because the Federal Government does not offer domestic partner benefits, Ambassador Guest explained that he ''felt compelled to choose between obligations to my partner—who is my family—and service to my country.''

This legislation will help to ensure that no other Federal employee, like Ambassador Guest, will be faced with a similar dilemma—that is, a choice between one's family or service to their country.

Mr. LEAHY. Mr. President, I am proud to cosponsor the Domestic Partnership Benefits and Obligations Act of 2007, being introduced today by Senators LIEBERMAN and SMITH. I cosponsored this legislation in the last Congress and I am pleased to do so again.

This important legislation would provide domestic partners of Federal employees the same protections and benefits afforded to spouses of Federal employees. These benefits, available for both same and opposite-sex domestic partners of Federal employees, would include participation in applicable retirement programs, compensation for work injuries and insurance benefits, including life, Family and Medical Leave and health insurance.

Equal pay for equal work is a cornerstone of our country's bedrock principles, and so too should equal access to important benefits. Insurance benefits, work incentives and retirement options comprise a significant portion of all employee compensation. By not offering domestic partnership benefits to its employees, the Federal government is unfairly withholding these valuable options from dedicated employees across the country.

The idea that benefits should be extended to same sex couples has become increasingly prevalent in America's largest and most successful companies, state and local governments, and in educational institutions. Over half of all Fortune 500 companies provide domestic partner benefits to their employees, up from just 25 percent in 2000. Offering domestic partnership benefits to Federal employees would improve the quality of its workforce, demonstrate its commitment to fairness and equality for all Americans, and bring the Government in line with some of the Nation's largest employers.

Providing benefits to domestic partners of Federal employees is long overdue. It is the right thing to do, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act quickly on this important legislation.

Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, and Mr. KERRY):

S. 2522. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce an important piece of legislation, the MediKids Health Insurance Act of 2007. This legislation will provide health insurance for every child in the U.S. by 2014, regardless of family income. My longtime friend from California, Congressman STARK, introduced companion legislation earlier this year in the House. He has worked tirelessly to improve access to health care for all Americans, and I am pleased to join him once again to advocate on behalf of America's children.

This past year, the majority in Congress made it clear that improving health care access for children was a priority. I proudly worked with my colleagues in a truly bipartisan fashion to reauthorize and expand the Children's Health Insurance Program, CHIP, to meet the serious health care needs of children in a very cost-effective manner. This legislation, which had the support of Democrats and Republicans in both chambers of Congress, would have maintained health insurance coverage for the over 6 million children currently enrolled and expanded health insurance coverage to an additional 4 million uninsured children. Unfortunately, the President, in vetoing this legislation not once, but twice, has shown the nation that providing health insurance to children is simply not a priority. I am outraged by the President's decision to veto this legislation multiple times, but I remain committed to making health insurance a reality for all children.

Congressman STARK and I have introduced our MediKids legislation in each of the last four Congresses because we know how vital health insurance is to a child. Children with untreated illnesses are more likely to miss school, leaving them at a disadvantage both in their health and education. Also, parents with sick children must miss work to care for them. These factors make it less likely uninsured children will move out of poverty and present significant barriers to becoming productive members of society. We can have a positive impact on our children's lives today, as well as tomorrow, by guaranteeing health insurance coverage for all. Children are inexpensive to insure, but the rewards for providing them with health care during their early education and development years are invaluable.

Despite the well-documented benefits of providing health insurance coverage for children, according to the Kaiser Family Foundation, there are still over 9 million uninsured children in America. We can and must do better. Our children are our future. No child in this country should ever be without access to health care. This is why I am proud to reintroduce the MediKids Health Insurance Act.

This legislation is a clear investment in our future—our children. Every child would be automatically enrolled at birth into a new, comprehensive federal safety net health insurance program beginning in 2009. The benefits would be tailored to meet the needs of children and would be similar to those currently avable to chldren through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment, EPSDT, program. Families below 150 percent of poverty would pay no premiums or copayments, while those between 150 and 300 percent of poverty would pay graduated premiums up to 5 percent of income and a graduated refundable tax credit for cost sharing. Families above 300 percent of poverty would pay a small premium equivalent to ¼ of the average annual cost per child. There would be no cost sharing for preventive or well-child visits for any child.

MediKids children would remain enrolled in the program throughout childhood. When families move to another state, Medikids would be available until parents enroll their children in a new insurance program. Between jobs or during family crises, Medikids would offer extra security and ensure continuous health coverage to our Nation's children. During the critical period when a family climbs out of poverty and out of the eligibility range for means-tested assistance programs, MediKids would fill in the gaps as parents move into jobs that provide reliable health insurance coverage. Our program rests on the premise that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. Ultimately, every child in America would grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits taylored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country just as Medicare has done for our Nation's seniors and individuals with disabilities throughout its more than 40-year history. When Congress created Medicare in 1965, seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, it is our Nation's children who shoulder that burden of poverty.

Children in America are nearly twice as vulnerable to poverty as adults. It is time we make a significant investment

in the future of America by guaranteeing all children the health coverage they need to get a healthy start in life.

Congress cannot rest on the success we achieved by expanding Medicaid and passing the Children's Health Insurance Program. Although each was a remarkable step toward reducing the ranks of the uninsured, particularly uninsured children, we still have a long way to go, as is evidenced by the millions of children who are still uninsured.

It's long past time to rekindle the discussion about how to provide health insurance for all Americans. Americans have told us loud and clear that they want leadership in solving the health insurance crisis. The bill I am introducing today—the MediKids Health Insurance Act of 2007—is a comprehensive approach toward eliminating the irrational and tragic lack of health insurance for so many children in our country. I urge my colleagues to 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. 2522

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the ''MediKids Health Insurance Act of 2007''.

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

Sec. 1. Short title; table of contents; findings.
Sec. 2. Benefits for all children born after 2008.
''TITLE XXII—MEDIKIDS PROGRAM
''Sec. 2201. Eligibility.
''Sec. 2202. Benefits.
''Sec. 2203. Premiums.
''Sec. 2204. MediKids Trust Fund.
''Sec. 2205. Oversight and accountability.
''Sec. 2206. Inclusion of care coordination services.
''Sec. 2207. Administration and miscellaneous.
Sec. 3. MediKids premium.
Sec. 4. Refundable credit for certain cost-sharing expenses under MediKids program.
Sec. 5. Report on long-term revenues.

(c) FINDINGS.—Congress finds the following:

(1) More than 9 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, variations in access to private insurance at all income levels, and variations in States' ability to provide required matching funds.

(4) As all segments of society continue to become more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and provides a tested model for designing a program to reach out to America's children.

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2008, in a program modeled after Medicare (and to be known as ''MediKids''), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2008.

(a) IN GENERAL.—The Social Security Act is amended by adding at the end the following new title:

''TITLE XXII—MEDIKIDS PROGRAM

''SEC. 2201. ELIGIBILITY.

''(a) ELIGIBILITY OF INDIVIDUALS BORN AFTER DECEMBER 31, 2008; ALL CHILDREN UNDER 23 YEARS OF AGE IN FIFTH YEAR.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

''(1) AGE.—

''(A) FIRST YEAR.—As of the first day of the first year in which this title is effective, the individual has not attained 6 years of age.

''(B) SECOND YEAR.—As of the first day of the second year in which this title is effective, the individual has not attained 11 years of age.

''(C) THIRD YEAR.—As of the first day of the third year in which this title is effective, the individual has not attained 16 years of age.

''(D) FOURTH YEAR.—As of the first day of the fourth year in which this title is effective, the individual has not attained 21 years of age.

''(E) FIFTH AND SUBSEQUENT YEARS.—As of the first day of the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

''(2) CITIZENSHIP.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

''(b) ENROLLMENT PROCESS.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

''(1) individuals who are born in the United States after December 31, 2008, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

''(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

''(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

''(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII. An individual who is enrolled under this title is not eligible to be enrolled under an MA or MA–PD plan under part C of title XVIII.

''(c) DATE COVERAGE BEGINS.—

''(1) IN GENERAL.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2009:

''(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

''(B) In the case of another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

''(C) In the case of another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

''(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

''(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

''(d) EXPIRATION OF ELIGIBILITY.—An individual's coverage period under this section

shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

''(e) ENTITLEMENT TO MEDIKIDS BENEFITS FOR ENROLLED INDIVIDUALS.—An individual enrolled under this title is entitled to the benefits described in section 2202.

''(f) LOW-INCOME INFORMATION.—

''(1) INQUIRY OF INCOME.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether the family income (as determined for purposes of section 1905(p)) of the family that includes the child is within any of the following income ranges:

''(A) UP TO 150 PERCENT OF POVERTY.—The income of the family does not exceed 150 percent of the poverty line for a family of the size involved.

''(B) BETWEEN 150 AND 200 PERCENT OF POVERTY.—The income of the family exceeds 150 percent, but does not exceed 200 percent, of such poverty line.

''(C) BETWEEN 200 AND 300 PERCENT OF POVERTY.—The income of the family exceeds 200 percent, but does not exceed 300 percent, of such poverty line.

''(2) CODING.—If the family income is within a range described in paragraph (1), the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating the range applicable to the family of the child involved.

''(3) PROVIDER VERIFICATION THROUGH ELECTRONIC SYSTEM.—The Secretary also shall provide for an electronic system through which providers may verify which income range described in paragraph (1), if any, is applicable to the family of the child involved.

''(g) CONSTRUCTION.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this title from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

''SEC. 2202. BENEFITS.

''(a) SECRETARIAL SPECIFICATION OF BENEFIT PACKAGE.—

''(1) IN GENERAL.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

''(2) UPDATING.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

''(3) ANNUAL UPDATING.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

''(4) INPUT.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

''(5) LIMITATION ON UPDATING.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

''(b) INCLUSION OF CERTAIN BENEFITS.—

''(1) MEDICARE CORE BENEFITS.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

''(2) ALL REQUIRED MEDICAID BENEFITS.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

''(3) INCLUSION OF PRESCRIPTION DRUGS.—Such benefits also shall include (as specified by the Secretary) benefits for prescription drugs and biologicals which are not less than the benefits for such drugs and biologicals under the standard option for the service benefit plan described in section 8903(1) of title 5, United States Code, offered during 2007.

''(4) COST-SHARING.—

''(A) IN GENERAL.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) which is substantially similar to such cost-sharing under the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code, and including an out-of-pocket limit for catastrophic expenditures for covered benefits, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

''(B) REDUCED COST-SHARING FOR LOW INCOME CHILDREN.—Such benefits shall provide that—

''(i) there shall be no cost-sharing for children in families the income of which is within the range described in section 2201(f)(1)(A);

''(ii) the cost-sharing otherwise applicable shall be reduced by 75 percent for children in families the income of which is within the range described in section 2201(f)(1)(B); or

''(iii) the cost-sharing otherwise applicable shall be reduced by 50 percent for children in families the income of which is within the range described in section 2201(f)(1)(C).

''(C) CATASTROPHIC LIMIT ON COST-SHARING.—For a refundable credit for cost-sharing in the case of cost-sharing in excess of a percentage of the individual's adjusted gross income, see section 36 of the Internal Revenue Code of 1986.

''(c) PAYMENT SCHEDULE.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

''(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

''(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare Advantage plans under part C of title XVIII (other than any such requirements that relate to part D of such title). In the case of individuals enrolled under this title in such a plan, the payment rate shall be based on payment rates provided for under section 1853(c) in effect before the date of the enactment of the Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (Public Law 108–173), except that such payment rates shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

''SEC. 2203. PREMIUMS.

''(a) AMOUNT OF MONTHLY PREMIUMS.—

''(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2008), establish a monthly MediKids premium for the following year. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

''(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

''(b) ANNUAL PREMIUM.—

''(1) NATIONAL PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

''(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

''(c) PAYMENT OF MONTHLY PREMIUM.—

''(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

''(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

''(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

''(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(d) of the Internal Revenue Code of 1986.

''SEC. 2204. MEDIKIDS TRUST FUND.

''(a) ESTABLISHMENT OF TRUST FUND.—

''(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

''(2) PREMIUMS.—Premiums collected under section 59B of the Internal Revenue Code of 1986 shall be periodically transferred to the Trust Fund.

''(3) TRANSITIONAL FUNDING BEFORE RECEIPT OF PREMIUMS.—In order to provide for funds in the Trust Fund to cover expenditures from the fund in advance of receipt of premiums under section 2203, there are transferred to the Trust Fund from the general fund of the United States Treasury such amounts as may be necessary.

''(b) INCORPORATION OF PROVISIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), subsection (b) (other than the last sentence) and subsections (c) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

''(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

''(A) any reference in such section to 'this part' is construed to refer to title XXII;

''(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

''(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

''(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

''SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

''(a) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the operation of the program under this title, including on the financing of coverage provided under this title.

''(b) PERIODIC MEDPAC REPORTS.—The Medicare Payment Advisory Commission shall periodically report to Congress concerning the program under this title.

''SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

''(a) IN GENERAL.—

''(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2009, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals under section 2201 may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

''(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

''(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

''(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

''(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

''(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

''(c) ENROLLMENT OF INDIVIDUALS.—

''(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

''(2) ENROLLMENT PERIOD.—

''(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

''(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

''(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

''(1) BASIC CARE COORDINATION SERVICES.—

''(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

''(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

''(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

''(e) CARE COORDINATORS.—

''(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

''(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

''(B) have entered into a care coordination agreement; and

''(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

''(2) AGREEMENT TERM; PAYMENT.—

''(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

''(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

''(C) LIABILITY.—Care coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

''(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

''SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

''(a) IN GENERAL.—Except as otherwise provided in this title—

''(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

''(2) beneficiary protections for individuals enrolled under this title shall not be less than the beneficiary protections (including limits on balance billing) provided medicare beneficiaries under title XVIII;

''(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII); and

''(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII.

''(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded health care program that provides basic health insurance coverage described in section 2203(a)(2) may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

''(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

''(2) benefits under this title shall be primary payor to benefits provided under such title or program, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.''.

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking ''or the Federal Supplementary Medical Insurance Trust Fund'' and inserting ''the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund''.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking ''and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII'' and inserting '', the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII''.

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b–6(c)) is amended—

(A) in paragraph (1), by striking ''17'' and inserting ''19''; and

(B) in paragraph (2)(B), by inserting ''experts in children's health,'' after ''other health professionals,''.

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b–6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2008.

(3) DUTIES.—Section 1805(b)(1)(A) of such Act (42 U.S.C. 1395b–6(b)(1)(A)) is amended by inserting before the semicolon at the end the following: ''and payment policies under title XXII''.

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

''PART VIII—MEDIKIDS PREMIUM

''Sec. 59B. MediKids premium.

''SEC. 59B. MEDIKIDS PREMIUM.

''(a) IMPOSITION OF TAX.—In the case of a taxpayer to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

''(b) INDIVIDUALS SUBJECT TO PREMIUM.—

''(1) IN GENERAL.—This section shall apply to a taxpayer if a MediKid is a dependent of the taxpayer for the taxable year.

''(2) MEDIKID.—For purposes of this section, the term 'MediKid' means any individual enrolled in the MediKids program under title XXII of the Social Security Act.

''(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums (for months in the taxable year) determined under section 2203 of the Social Security Act with respect to each MediKid who is a dependent of the taxpayer for the taxable year.

''(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

''(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

''(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

''(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

''(i) $20,535 in the case of a taxpayer having 1 MediKid,

''(ii) $25,755 in the case of a taxpayer having 2 MediKids,

''(iii) $30,975 in the case of a taxpayer having 3 MediKids, and

''(iv) $35,195 in the case of a taxpayer having 4 or more MediKids.

''(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

''(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2009, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

''(i) such dollar amount, and

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

''(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

''(e) COORDINATION WITH OTHER PROVISIONS.—

''(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

''(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the minimum tax imposed by section 55.

''(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.''.

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

''(10) Every individual liable for a premium under section 59B.''.

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''PART VIII. MEDIKIDS PREMIUM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2008, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR CERTAIN COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

''SEC. 36. CATASTROPHIC LIMIT ON COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

''(a) IN GENERAL.—In the case of a taxpayer who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the excess of—

''(1) the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act, over

''(2) 5 percent of the taxpayer's adjusted gross income for the taxable year.''.

(b) COORDINATION WITH OTHER PROVISIONS.—The excess described in subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).

(c) TECHNICAL AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

''Sec. 36. Catastrophic limit on cost-sharing expenses under MediKids program.''.

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting '', 36,'' after ''section 35''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. SANDERS, Mr. DOMENICI, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, and Mr. REED):

S. 2523. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, while we are facing new difficulties in the mortgage and subprime markets, we cannot forget the ongoing and deepening crisis that affordable rental housing presents for our Nation. Long-term changes in the housing market have dramatically limited the availability of affordable rental housing across the country and have severely increased the cost of rental housing that remains. As a result, more and more families are forced to pay more than 50 percent of their income for housing. In 2005, a record 37.3 million households paid more than 30 percent of their income on housing costs, according to the Nation's Housing 2007 Report from the Joint Center

for Housing Studies at Harvard University. Approximately 17 million families paid more than half of their incomes on housing costs. This is unacceptable. Our Nation must act to ease this rental housing crisis by producing more affordable housing options.

We can no longer ignore the lack of affordable housing and the impact it is having on families and children around the country. I believe it is time for our Nation to take a new path—one that insures that all Americans, especially our poorest children, have the opportunity to live in decent and safe housing.

Housing construction is a critical part of our economy. Unfortunately, just yesterday the Commerce Department reported that construction of new homes dropped by 5.5 percent last month, the lowest level since April 1991. The overall construction decline left home building 24.2 percent below the level of activity a year ago. Residential construction has seen the largest share of job losses, more than 192,000 since March 2006.

The question is, what do we do today to face—and to finance—this mounting challenge?

In September 2000, I wrote and introduced the original National Affordable Housing Trust Fund legislation. Today, along with Senator SNOWE, I am again proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund and begin a rental housing production program.

The Affordable Housing Trust Fund that is established in this legislation would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Sixty percent of Trust Fund assistance will be awarded to participating local jurisdictions. Forty percent of Trust Fund assistance will be awarded to States, Indian Tribes and insular areas. A proportionate amount of funds to the States must go to rural areas. If the total amount available for the Trust Fund is less than $2 billion, then there is a $750,000 minimum funding threshold for local jurisdictions.

All funding from the Trust Fund must be used for low-income families, defined as those families with incomes below 80 percent of the State or local median income. However, if the funding for the trust fund is less than $2 billion for any year, then the income ceiling is reduced to 60 percent of local median income.

The funding from the Trust Fund can be used for construction, rehabilitation, acquisition, preservation incentives, and operating assistance to ease the affordable housing crisis. Funds can also be used for downpayment and closing cost assistance by first time homebuyers.

The Trust Fund will be funded through amounts transferred from the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation under Title XIII of the Housing and Community Development Act of 1992. It will also be funded through any amounts appropriated under the authorization in the Expanding American Homeownership Act of 2007, relating to the use of FHA savings for an affordable housing grant program. Finally, the Trust Fund will be funded through any amounts as are or may be appropriated, transferred or credited to such fund under any other provisions of law.

The National Affordable Housing Trust Fund bill is cosponsored by a bipartisan group of Senators. Earlier this year, the House of Representatives passed legislation, introduced by House Financial Services Chairman BARNEY FRANK, to establish a National Affordable Housing Trust Fund by a 264–148 vote. It has been endorsed by more than 5,700 community organizations led by the National Low-Income Housing Coalition and including the National Association of Realtors, the National Association of Home Builders, Children's Defense Fund, U.S. Conference of Mayors, National Coalition for the Homeless, and others. I am pleased that Senator REED, within the Government Sponsored Enterprise Mission Improvement Act, included legislative language within the Affordable Housing Block Grant section to provide grants to an Affordable Housing Trust Fund.

Enacting the National Affordable Housing Trust Fund will help reverse the recent declines in housing jobs, starts, permits and construction in every State. It will help small businesses across the Nation continue to produce the jobs that are critical to our economic security today and in the future.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. The need for affordable housing is severe. Many working families have been unable to keep up with the increase in housing costs. In 2005, one in seven households was considered to be ''severely housing cost burdened.''

For too many low-income families and their children, the cost of privately owned rental housing is simply out of reach. Today, working families in this country increasingly find themselves unable to afford housing. According to the National Low-Income Housing Coalition, in Massachusetts, the fair market rent for a two-bedroom apartment is almost $1,200 per month. In order to afford this apartment without paying more than 30 percent of income on housing, a household must earn over $47,000 per year. This means teachers, janitors, social workers, police officers and other full-time workers are having trouble affording even a modest two-bedroom apartment.

The cost of rental housing keeps going up. According to the Consumer Price Index, CPI, contract rents began to rise above the rate of inflation in 1997 and have continued every year since. Rental costs have outpaced renter income gains for households across the board. Low wage workers have been hardest hit by the increase in the cost of rental housing.

Because of the lack of affordable housing, too many families are forced to live in substandard living conditions putting their children at risk. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning and to suffer from infectious diseases such as asthma. They are more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend upon access to affordable rental housing.

At the same time the cost of rental housing has been increasing, there has been a significant decrease in the number of affordable rental housing units. According to Real Capital Analytics, the number of rentals in larger multifamily properties converted to for-sale units jumped from just a few thousand in 2003 to 235,000 in 2005. New construction of multifamily buildings intended for rental use dipped from 262,000 units in 2003 to 184,000 in 2006. Simultaneously, the number of renter households increased by 1.2 million. The decline in affordable rental units has already forced many working families eligible for Section 8 vouchers in Boston to live outside the city because there are no available rental housing units that accept vouchers.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We need to enact the National Affordable Housing Trust Fund to jumpstart the production of affordable housing in the U.S.

Decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance over the past generation has helped millions of low-income children across the Nation and has helped in developing stable home environments. However, changes in the housing market clearly show that we need to take additional steps to both produce and maintain affordable housing units. Otherwise, many more children and their families will live in substandard housing or will become homeless. These children are less likely to do well in school and less likely to be productive citizens. They deserve our best efforts and require our help.

I ask all Senators to support the National Affordable Housing Trust Fund Act.

By Mr. FEINGOLD:

S. 2527. A bill to prohibit the obligation or expenditure of funds for the Osprey tiltrotor aircraft; to the Committee on Appropriations.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to rescind funds appropriated for the procurement of the V–22 and CV–22 Osprey. This aircraft has been the subject of significant controversy because of safety, technical, and cost problems. In 1991, then-Secretary DICK CHENEY tried to cancel the program altogether. I have long advocated for more extensive testing of the aircraft to evaluate design defects that render the Osprey unstable and technical problems that have already cost the lives of 30 servicemembers. New problems were discovered as recently as June 2007.

I appreciate that the military is in need of additional helicopters, particularly as a result of the high operational tempo in Iraq and Afghanistan. Given the fact that the Osprey costs significantly more than other aircraft that can meet the same need, I believe we should shift to a safer, more economic program.

This bill would rescind funds appropriated for the program through 2008. That includes $2.8 billion in previously appropriated but unobligated funds and $2.9 billion in funds appropriated for fiscal year 08. The Defense Department estimates it will spend an additional $28.6 billion to purchase a total of 458 Osprey through 2018. Ending this troubled program could produce savings of over $34.3 billion.

By Mr. MENENDEZ:

S. 2528. A bill to authorize guarantees for bonds and notes issued for community or economic development purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Full Faith & Credit in Our Communities Act of 2007. Strong communities form the bedrock of a successful economy and ultimately, a healthy society. For communities to be strong and families to prosper, there must be economic opportunity. Economic opportunity, in turn, depends on access to capital. Unfortunately, many communities across our Nation lack this fundamental tool for financial prosperity and self-sufficiency.

We must provide economic opportunity not only today, but also lay the groundwork so that future generations can thrive and prosper, and we must do it in a way that fosters real and permanent change rather than short-term solutions. We cannot simply rely on short-term band aids that serve to only mask the vast inequalities in income and unacceptable levels of poverty that plague our Nation. We must invest in our Nation's future. We must close the wealth gaps that are growing wider each day in this country by investing in our citizens and closing the opportunity gap. We must invest in entrepreneurship, ownership, and economic growth—but we must do so in a fiscally responsible manner.

Federal resources are scarce. We must focus our efforts and invest in successful programs that give us the biggest bang for our buck. CDFIs have a history of prudently using scarce public funds to leverage additional private funding to finance emerging domestic markets. They are able to lend successfully in these markets in part because CDFIs build their borrowers' capacity by combining their financing with technical assistance such as homeownership counseling, entrepreneurial training, and financial literacy education. CDFIs finance small businesses, homeownership, affordable rental housing, childcare facilities, charter schools, and other needed development resources. About 1,000 CDFIs operating in the U.S. manage more than $25 billion in assets, providing much-needed financial services to low-income communities across the U.S.

Unfortunately, CDFIs have limited access to capital due to the relatively small size of, and lack of awareness about, their projects. This results in a hesitancy of Wall Street to invest in CDFIs, forcing them to rely largely on commercial banks which usually only offer short-term loans with high interest rates. Every dollar wasted on interest payments is another dollar lost to communities, making these additional costs a clear impediment to community development efforts.

This legislation would increase the length and decrease the cost of capital available to CDFIs by providing them access to the enormous financial power of Wall Street. It would accomplish this by allowing the Treasury Department to guarantee up to $1 billion per year in bonds issued by qualified CDFIs. These bonds would be sold on Wall Street with the proceeds going to CDFIs to finance a myriad of community and economic development projects such as job-training centers and health care clinics. Unlike many legislative proposals that often result in winners and losers, this legislation is a win-win for everyone involved. CDFIs will have access to much-needed, low-cost capital. Communities will benefit from an infusion of investments in community and economic development projects. And investors will have an opportunity to make sound, long-term investments.

Perhaps the best part of this legislation is that it should not end up costing the American taxpayer a single dollar. Since these bonds will be issued by CDFIs, they will be the ones responsible for honoring the bonds when they reach maturity. Considering the fact that CDFIs have very low loan default rates that are often below mainstream bank averages, the risk of insolvency is very low. To further mitigate this risk, CDFIs will be required to create a loan loss reserve fund, similar in nature, but much smaller in scope, to the FDIC.

In addition to providing low-cost capital to underserved communities, this legislation would require CDFIs to pay a portion of their savings to a sub-account of the Treasury Department's CDFI Fund. These funds will be used to provide technical and financial assistance grants to non-profits for community and economic development purposes. CDFIs can apply for these grants through a competitive application process with the requirement to match, dollar for dollar, Federal funds with private investment. According to the Treasury Department, for every Federal dollar of investment, CDFIs leverage $19 in non-federal funds. CDFIs use the ''seed capital'' from the Federal Government to attract private-sector capital, ensuring continued community investment well beyond the initial Federal funding.

A community isn't complete without places to shop and work, without affordable housing, without the prosperity that thriving businesses represent. My Full Faith & Credit in Our Communities Act will help CDFIs develop retail and commercial facilities, train and place neighborhood residents in jobs, and provide affordable housing across the country. This bill is essential for our people and communities most in need. Beyond the obvious tangible benefits, the Full Faith & Credit in Our Communities Act will provide our Nation's distressed communities with something all but lost in many: HOPE. Hope for a better future, a safe community, flourishing businesses, and a more prosperous future for generations to come.

In closing, I urge my colleagues to support the Full Faith & Credit in Our Communities Act to ensure that every American has access to the American Dream. With this bill, we can not only change lives and communities today, but for generations to come.

By Mr. REID (for himself and Mr. BAUCUS):

S. 2530. A bill entitled the ''Federal Aviation Administration Extension Act of 2007''; to the Committee on Commerce, Science, and Transportation.

Mr. REID. 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. 2530

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 ''Federal Aviation Administration Extension Act of 2007''.

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM AND OTHER EXPIRING AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by inserting after paragraph (4) the following:

''(5) $1,837,500,000 for the 6-month period beginning October 1, 2007.''.

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made

by paragraph (1) may be obligated at any time through September 30, 2008, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning October 1, 2007, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2008 were 3,675,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''September 30, 2007, and inserting ''March 31, 2008,''.

(c) GOVERNMENT SHARE OF CERTAIN AIP COSTS.—Section 161 of Public Law 108–176 (49 U.S.C. 47109 note) is amended by striking ''in each of fiscal years 2004 through 2007'' and inserting ''in fiscal year 2008 before April 1, 2008''.

(d) ADJUSTMENT AUTHORITY.—Section 409(d) of Public Law 108–176 (49 U.S.C. 40101 note) is amended by striking ''2007.'' and inserting ''2008.''.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 2531. A bill to amend the Tariff Act of 1930 to revise the antidumping duties and countervailing duties relating to the production of low-enriched uranium, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2531

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

SECTION 1. PRODUCTION OF LOW-ENRICHED URANIUM.

(a) ANTIDUMPING DUTY.—Section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) is amended in the last sentence—

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

(2) by inserting before the period at the end the following: '', and (b) any contract or transaction for the production of low-enriched uranium''.

(b) COUNTERVAILING DUTY.—Section 771 of that Act (19 U.S.C. 1677) is amended in paragraph (5) by adding at the end the following:

''(G) PURCHASE OF GOODS.—For purposes of subparagraphs (D)(iv) and (E)(iv) of this paragraph (5), the phrases 'purchasing goods' and 'goods are purchased' include a contract or transaction involving payment for the production of low-enriched uranium.''.

(c) APPLICATION TO PENDING PROCEEDINGS.—The amendments made by this section apply in all pending or resumed antidumping and countervailing duty proceedings, including investigations, and in all appeals that have not become final and conclusive as of the date of enactment of this Act.

(d) APPLICATION TO NAFTA COUNTRIES.—Pursuant to Article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this section shall apply with respect to goods from NAFTA countries.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 417—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND TRADE OPPORTUNITIES WITH MONGOLIA AND INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH MONGOLIA

Mr. HAGEL (for himself, Mr. LUGAR, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 417

Whereas Mongolia declared an end to a 1-party Communist state in 1990 and embarked on democratic and free market reforms;

Whereas the free market reforms include adopting democratic electoral processes, enacting further political reform measures, privatizing state enterprises, lifting price controls, and improving fiscal discipline;

Whereas, since 1990, Mongolia has made progress to strengthen democratic governing institutions and protect individual rights;

Whereas the Department of State found in its 2006 Country Reports on Human Rights that Mongolia generally respects the human rights of its citizens, although concerns remain, including the treatment of prisoners, freedom of the press and information, due process, and trafficking in persons;

Whereas the Department of State found in its 2006 International Religious Freedom report that Mongolia generally respects freedom of religion, although some concerns remain;

Whereas Mongolia has been a member of the World Trade Organization since 1997, and a member of the International Monetary Fund, the World Bank, and the Asian Development Bank since 1991;

Whereas, in 1999, the United States extended permanent nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia;

Whereas Mongolia has provided strong and consistent support to the United States in the global war on terror, including support for United States military forces and, since May 2003, contributed peace keepers to Operation Iraqi Freedom, artillery trainers to Operation Enduring Freedom, and personnel to the United Nations peace-keeping operations in Kosovo and Sierra Leone;

Whereas the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement in 2004;

Whereas Mongolia has expressed steadfast commitment to greater economic reforms, including a commitment to encourage and expand the role of the private sector, increase transparency, strengthen the rule of law, combat corruption, and comply with international standards for labor and intellectual property rights protection;

Whereas bilateral trade between the United States and Mongolia in 2005 was valued at more than $165,000,000;

Whereas, in November 2005, President George W. Bush became the first President of the United States to visit Mongolia, and on November 21, 2005, President Bush and President Enkhbayar issued a joint statement declaring that the 2 countries are committed to defining guiding principles and expanding the framework of the comprehensive partnership between the United States and Mongolia;

Whereas, on October 18, 2007, the Senate agreed to Senate Resolution 352, expressing the sense of the Senate regarding the 20th anniversary of the United States-Mongolia relations, and encouraged continued economic cooperation with Mongolia;

Whereas, on October 22, 2007, the United States and Mongolia signed a Millennium Challenge Corporation Compact Agreement;

Whereas, during the October 2007 visit of President Enkhbayar to Washington, D.C., the United States and Mongolia signed a Declaration of Principles for closer cooperation between the 2 countries, reiterating a commitment to expansion of development and long term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, environmental, health, defense, security, humanitarian, and other fields; and

Whereas the United States and Mongolia would benefit from expanding and diversifying trade opportunities by reducing tariff and nontariff barriers to trade: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should continue to work with Mongolia to expand bilateral trade opportunities and initiate negotiations to enter into a free trade agreement with Mongolia.

SENATE RESOLUTION 418—EXPRESSING THE SENSE OF THE SENATE REGARDING PROVOCATIVE AND DANGEROUS STATEMENTS MADE BY OFFICIALS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION CONCERNING THE TERRITORIAL INTEGRITY OF THE REPUBLIC OF GEORGIA

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 418

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community, international law, and 32 United Nations Security Council Resolutions;

Whereas the Republic of Georgia has pursued the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas, by stating that the Russian Federation should diplomatically recognize Abkhazia and South Ossetia as independent states, certain officials of the Government of the Russian Federation have undermined the peace and security of those regions and the Republic of Georgia as a whole; and

Whereas the statements of those officials are incompatible with the role of the Russian Federation as one of the world's leading powers and are inconsistent with the commitments of the Russian Federation to international peacekeeping: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent statements by officials of the Government of the Russian Federation that the Russian Federation should recognize the regions of Abkhazia and South Ossetia as states independent of the Republic of Georgia as a violation of the sovereignty of the Republic of Georgia and the commitments of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow these statements;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region; and

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts.

SENATE CONCURRENT RESOLUTION 63—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE NEED FOR ADDITIONAL RESEARCH INTO THE CHRONIC NEUROLOGICAL CONDITION HYDROCEPHALUS, AND FOR OTHER PURPOSES

Mr. REID (for Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 63

Whereas hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas there is no known cure for hydrocephalus;

Whereas hydrocephalus affects an estimated 1,000,000 Americans;

Whereas 1 or 2 in every 1,000 babies are born with hydrocephalus;

Whereas over 375,000 older Americans have hydrocephalus, which often goes undetected or is misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives;

Whereas the standard treatment for hydrocephalus was developed in 1952, and carries multiple risks including shunt failure, infection, and overdrainage;

Whereas there are fewer than 10 centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus;

Whereas, each year, the people of the United States spend in excess of $1,000,000,000 to treat hydrocephalus;

Whereas a September 2005 conference sponsored by 7 institutes of the National Institutes of Health—''Hydrocephalus: Myths, New Facts, Clear Directions''—resulted in efforts to initiate new, collaborative research and treatment efforts; and

Whereas the Hydrocephalus Association is one of the Nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first-ever National Institutes of Health conference on hydrocephalus; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration with respect to hydrocephalus among the National Eye Institute, the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, the National Institute on Aging, and the Office of Rare Diseases;

(B) further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted or supported; and

(C) public awareness and professional education regarding hydrocephalus should increase through partnerships between the Federal Government and patient advocacy organizations.

SENATE CONCURRENT RESOLUTION 64—COMMENDING THE ALASKA ARMY NATIONAL GUARD FOR ITS SERVICE TO THE STATE OF ALASKA AND THE CITIZENS OF THE UNITED STATES

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 64

Whereas the 3rd Battalion, 297th Infantry of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 15 months in Kuwait and Iraq, inspected and searched over 30,000 semi-trucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously; gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 7 Bronze Stars, 23 Meritorious Service Medals, 142 Army Commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3884. Mr. REID (for Ms. CANTWELL (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program.

SA 3885. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes.

SA 3886. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 3885 proposed by Mr. REID (for Mr. KERRY) to the bill S. 1784, supra.

SA 3887. Mr. SCHUMER (for Mr. LEAHY (for himself and Mr. SCHUMER)) proposed an amendment to the bill H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes.

SA 3888. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

SA 3889. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, supra.

SA 3890. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes.

SA 3891. Mr. REID (for Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI)) proposed an amendment to the bill S. 1974, to make technical corrections related to the Pension Protection Act of 2006.

SA 3892. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade.

TEXT OF AMENDMENTS

SA 3884. Mr. REID (for Ms. CANTWELL (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program; as follows:

On page 15, strike the matter between lines 15 and 16 and insert the following:

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Alternatives Analysis.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Department of Defense Consultation.
Sec. 8. Procurement and report requirements.
Sec. 9. GAO review and recommendations.
Sec. 10. Inspector General review of Deepwater program.
Sec. 11. Definitions.

On page 16, line 2, insert ''more than 90 days'' after ''Program''.

On page 16, line 9, strike ''Act.'' and insert ''Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.''

On page 16, line 17, insert ''that is 90 days after the date'' after ''date''.

On page 16, line 20, insert ''after the date that is 90 days after the date of enactment of this Act of, or in support'' after ''procurements''.

On page 16, strike line 21, and insert the following:

''(i) the HC–130J aircraft, the HH–65 aircraft, and the C4ISR system, and

On page 16, line 24, insert ''the date that is 90 days after'' after ''as of''.

On page 17, line 3, strike ''procurement'' and insert ''procurement, or in support,''.

On page 17, line 6, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 17, strike lines 8 and 9 and insert the following:

(i) the procurement is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations;

On page 17, line 22, strike ''Coast Guard'' and insert ''Commandant''.

On page 17, line 22, insert ''subparagraph (B) or (C) of'' after ''under''.

On page 17, line 23, strike ''it'' and insert ''the Coast Guard''.

On page 17, beginning in line 24, strike ''transmit a report to'' and insert ''notify in writing''.

On page 18, beginning in line 2, strike ''notifying the Committees''.

On page 18, beginning in line 3, strike ''explaining the'' and insert ''shall provide a detailed''.

On page 18, line 12, strike ''entity'' and insert ''subcontractor''.

On page 18, line 23, strike ''justifications of FAR 6.3 are met.'' and insert ''procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.''.

On page 18, after line 23, insert the following:

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B) or (C).

On page 19, strike line 1 and insert the following:

SEC. 3. ALTERNATIVES ANALYSIS.

On page 19, line 5, strike ''FAR'' and insert ''Federal Acquisition Regulations''.

On page 19, line 6 insert ''of a major asset'' after ''procurement''.

On page 19, line 7, insert ''after the date of enactment of this Act'' after ''Program''.

On page 19, line 8, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 19, beginning in line 12, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 19, line 14, strike ''an appropriate'' and insert ''a qualified''.

On page 20, line 1, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 20, line 15, strike ''and''.

On page 20, line 17, strike ''costs.'' and insert ''costs; and''

On page 20 between lines 17 and 18, insert the following:

(7) a business case of viable alternatives.

On page 20, line 19, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 20, line 22, strike ''analysis of alternatives'' and insert ''alternatives analysis''.

On page 21, between lines 2 and 3, insert the following:

(e) EXPERIMENTAL, TECHNICALLY IMMATURE SYSTEMS.—

(1) IN GENERAL.—No procurement of an experimental or technically immature major asset may be awarded under the Integrated Deepwater Program until an alternatives analysis has been conducted for such asset. The alternatives analysis shall include the same components as those set forth in subsection (c). In addition, the alternatives analysis shall also include—

(A) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(E) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(F) such additional measures the Commandant determines to be necessary for appropriate evaluation of the asset.

(2) REPORT.—As soon as possible after an alternatives analysis pursuant to this subsection has been completed, the Commandant shall transmit a report that provides a detailed summary of the findings of the analysis, a plan for the procurements addressed in the analysis, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Justice, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

On page 22, line 7, strike ''deliver'' and insert ''delivery''.

On page 22, line 21, strike ''Guard—'' and insert ''Guard after the date of enactment of this Act—''.

On page 23, beginning in line 2, strike ''and any subsequent Government Accountability Office recommendations relevant to the contract terms issued before March 1, 2007,''.

On page 23, between lines 7 and 8, insert the following:

(2) addresses any subsequent Government Accountability Office recommendations that are issued at least 30 days prior to the execution of the contract, delivery order or task order when such recommendations are relevant to the contract terms;''.

On page 23, line 8, strike ''(2)'' and insert ''(3)''.

Beginning with line 13 on page 23, strike through line 9 on page 24 and insert the following:

(4) does not include—

(A) provisions that commit the Coast Guard without express written approval by the Coast Guard; or

(B) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(5) meets the requirements of the Coast Guard Major Systems Acquisition COMDTINST Manual 5000.10(series); and

(6) for any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term—

(A) is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University in its Quick Look Study dated February 5, 2007; and

(B) does not include any minimum requirements for the purchase of a given or determinable number of specific assets.

On page 26, between lines 5 and 6, insert the following:

SEC. 7. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Coast Guard shall make arrangements as appropriate with the Department of Defense for support in contracting and management of procurements under the Integrated Deepwater Program. The Coast Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets. No later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on agreements and other arrangements concluded pursuant to this subsection.

(b) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage procurements under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

Beginning with line 6 on page 26, strike through line 18 on page 27, and insert the following:

SEC. 8. PROCUREMENT AND REPORT REQUIREMENTS.

(a) PROCUREMENT SCHEDULES.—

(1) BUDGET JUSTIFICATION DOCUMENTS.—Each calendar year, not later than 45 days after the President submits the budget to Congress under section 1105 of title 31, United States Code, the Commandant shall submit to Congress budget justification documents regarding development and procurement schedules for each asset of the Integrated Deepwater Program for which any funds for procurement are requested in that budget.

(2) REQUIRED DOCUMENTS.—The budget justification documents required to be submitted under paragraph (1) for each asset for which funds for procurement are requested in the budget include—

(A) the development schedule for each asset and asset class, including estimated annual costs until development is completed;

(B) the procurement schedule for each asset and asset class, including estimated annual costs and units to be procured until procurement is completed;

(C) any variances in schedule or cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets.

(b) QUARTERLY STATUS UPDATE.—The Commandant shall provide an update on the status of the Integrated Deepwater Program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the beginning of the first full fiscal year quarter after the date of enactment of this Act, and at the beginning of each subsequent fiscal year quarter.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—

(1) REPORT REQUIRED.—The Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as soon as possible, but not later than 30 days after the Deepwater Program Executive Officer becomes aware of—

(A) a likely cost overrun greater than 10 percent of the program acquisition unit cost, the procurement unit cost, or the life cycle cost of an individual asset or a class of assets under the Integrated Deepwater Program; or

(B) a likely delay of more than 6 months in the delivery schedule for any individual asset or class of assets under the Integrated Deepwater Program.

(2) REQUIRED CONTENT.—The report shall include—

(A) a detailed explanation for the variance or delay;

(B) the current program acquisition unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d);

(C) the current procurement unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a full life-cycle cost analysis for each asset or class of assets for which a report is being submitted under paragraph (1).

(3) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the plan submitted under section 3(d) or, if the plan has been revised, from the schedule and costs described in the revised plan, the Commandant shall include in the report required under paragraph (1) a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in a more cost-effective and timely manner;

(C) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(4) CERTIFIED ASSETS AND ASSET CLASSES.—If the Commandant certifies an asset or asset class under paragraph (3), the requirements of this subsection shall be based on the new estimates of cost and schedule contained in that certification.

(5) DEFINITIONS.—In this subsection:

(A) LIFE-CYCLE COST.—The term ''life-cycle cost'' means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

(B) PROCUREMENT UNIT COST.—The term ''procurement unit cost'' means the amount equal to the total of all funds programmed to be available for obligation for procurement of a given asset class divided by the number of assets to be procured.

(C) PROGRAM ACQUISITION UNIT COST.—The term ''program acquisition unit cost'' means the amount equal to the total cost for development, procurement, and construction for each class of assets divided by the total number of assets in each class.

On page 28, between lines 20 and 21, insert the following:

(e) REPORT ON C4ISR.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the manner in which the Coast Guard is resolving the problems and responding to the recommendations contained in the August 2006 Department of Homeland Security Inspector General Report entitled *Improvements Needed in the Coast Guard's Acquisition and Implementation of Deepwater Information Technology Systems*.

(f) AMENDMENT OF 2006 ACT.—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

On page 28, line 21, strike ''**SEC. 8.**'' and insert ''**SEC. 9.**''.

On page 28, beginning in line 23, strike ''no later than June 1, 2007''.

On page 29, beginning in line 4, strike ''issued before March 1, 2007,''.

On page 29, beginning in line 16, strike ''Act. The Commandant shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing such recommendations.'' and insert ''Act, and implement subsequent recommendations to the maximum extent practicable as they arise.''.

On page 30, line 9, strike ''**SEC. 9.**'' and insert ''**SEC. 10.**''.

On page 31, line 8, strike ''**SEC. 10.**'' and insert ''**SEC. 11.**''.

SA 3885. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Definitions.

TITLE I—VETERANS BUSINESS DEVELOPMENT

Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
See. 106. Independent study on gaps in availability of outreach centers.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. National Guard and Reserve business assistance.
Sec. 204. Veterans Assistance and Services program.

TITLE III—RESERVIST PROGRAMS

Sec. 301. Reservist programs.
Sec. 302. Reservist loans.
Sec. 303. Noncollateralized loans.
Sec. 304. Loan priority.
Sec. 305. Relief from time limitations for veteran-owned small businesses.
Sec. 306. Service-disabled veterans.
Sec. 307. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 308. Increased Veteran Participation Program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) 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));

(6) the terms ''service-disabled veteran'' and ''small business concern'' have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) 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); and

(8) 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).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

''(c) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

''(2) MEMBERSHIP.—The members of the task force shall include—

''(A) the Administrator, who shall serve as chairperson of the task force;

''(B) a senior level representative from—

''(i) the Department of Veterans Affairs;

''(ii) the Department of Defense;

''(iii) the Administration (in addition to the Administrator);

''(iv) the Department of Labor;

''(v) ' the Department of the Treasury;

''(vi) the General Services Administration; and

''(vii) the Office of Management and Budget; and

''(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

''(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to

''(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(B) increasing access to Federal con tracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

''(E) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

''(F) making other improvements relating to the support for veterans business development by the Federal Government.

''(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

''(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.''.

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended

(1) by striping subsection (h); and

(2) by redesignating subsections (1) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

''(d) PARTICIPATION IN TAP WORKSHOPS.—

''(1) In general.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

''(2) PRESENTATIONS.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a mininiuin, a description of the entrepreneurial and business training resources available from the Administration.

''(3) WRITTEN MATERIALS.—The Associate Administrator shall—

''(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

''(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

''(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

''(e) WOMEN VETERANS BUSINESS TRAINING RESOURCE PROGRAM.—

''(1) IN GENERAL.—The Associate Administrator shall establish a Women Veterans Business Training Resource Program.

''(2) ACTIVITIES.—The Associate Administrator shall—

''(A) compile information on resources available to women veterans for business training, including resources for—

''(i) vocational and technical education;

''(ii) general business skills, such as marketing and accounting; and

''(iii) business assistance programs targeted to women veterans; and

''(B) disseminate the information compiled under subparagraph (A) through Veteran Business Outreach Centers and women's business centers.''.

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

(a) IN GENERAL.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) LIMITATION.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the ''National Reservist Enterprise Transition and Sustainability Act of 2007''.

SEC. 202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

''(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

''(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

''(3) the term 'Association' means the association established under section 21(a)(3)(A);

''(4) the term 'eligible applicant' means—

''(A) a small business development center that is accredited under section 21(k);

''(B) a women's business center;

''(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development;

''(D) an information and assistance center receiving funding from the National Veterans Business Development Corporation under section 33; or

''(E) any other veterans small business assistance program which receives Federal funding;

''(5) the term 'enterprise transition and sustainability assistance' means assistance

provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

''(6) the term 'Reservist' means any person who is—

''(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

''(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

''(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

''(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

''(9) 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).

''(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (e), to eligible applicants to assist small business concerns owned and operated by Reservists by—

''(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

''(2) providing access to information and resources, including Federal and State business assistance programs;

''(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

''(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

''(5) assisting in developing a long-term plan for possible future activation; and

''(6) providing enterprise transition and sustainability assistance.

''(d) OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator shall make available informational materials relating to veteran business assistance practices developed by eligible entities using grants under this section to other Federal departments and agencies for use in programs operated by such departments and agencies.

''(e) RULEMAKING.—

''(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

''(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

''(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

''(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

''(B) priorities for the types of assistance to be provided under the program authorized by this section;

''(C) standards relating to educational, technical, and support services to be provided by a grantee;

''(D) standards relating to any national service delivery and support function to be provided by a grantee;

''(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

''(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

''(f) APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall describe

''(A) the activities for which the applicant seeks assistance under this section; and

''(B) how the applicant plans to allocate funds within its network.

''(g) AWARD OF GRANTS.—

''(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (e).

''(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

''(h) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

''(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

''(1) the Administrator;

''(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

''(iii) the Committee on Small Business of the House of Representitives.

''(2) CONTENTS.—The report under paragraph (1) shall—

''(A) address the results of the evaluation conducted under paragraph (1); and

''(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

''(B) $5,000,000 for the fiscal year following the fiscal year described in subparagraph (A).

''(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of fielding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).''.

SEC. 204. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

''(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

''(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

''(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

''(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, servicedisabled veterans, military units, Federal agencies, and veterans organizations;

''(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

''(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

''(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than $75,000 and not more than $250,000.

''(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.''.

TITLE III—RESERVIST PROGRAMS

SEC. 301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking ''90 days'' and inserting ''1 year''; and

(2) by adding at the end the following: ''The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and establish a later ending date.''.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(C) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking ''$1,500,000'' each place such term appears and inserting ''$2,000,000''.

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provi sion of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

''(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

''(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

''(II) the period during which the relevant essential employee is on active duty.''.

SEC. 304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

''(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.''.

SEC. 305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

''(5) RELIEF FROM TIME LIMITATIONS.—

''(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

''(i) is owned and controlled by—

''(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

''(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

''(ii) was subject to the time limitation during such period of active duty.

''(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

''(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).''.

SEC. 306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States 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 describing

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of tliis Aet, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

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

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 308. INCREASED VETERAN PARTICIPATION PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(32) INCREASED VETERAN PARTICIPATION PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(1) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

''(ii) the term 'pilot program' means the pilot program established under subparagraph (B); and

''(iii) the term 'veteran participation loan' means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

''(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

''(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

''(D) MAXIMUM PARTICIPATION.—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

''(E) FEES.—

''(i) IN GENERAL.—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

''(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

''(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

''(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

''(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator

''(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

''(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

''(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

''(F) GAO REPORT.—

''(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

''(ii) CONTENTS.—The report submitted under clause (i) shall include—

''(I) the number of veteran participation loans for which fees were reduced under the pilot program;

''(II) a description of the impact of the pilot program on the program under this subsection;

''(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

''(IV) recommendations for improving the pilot program.''.

SA 3886. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 3885 proposed by Mr. REID (for Mr. KERRY) to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes; as follows:

On page 4, line 25, strike ''increase'' and all that follows through ''opportunities to'' on page 5, line 2, and insert ''improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for''.

On page 5, line 10, after the semicolon, add ''and''.

On page 5, line 22, strike ''; and'' and insert a period.

On page 5, strike lines 23 through 25.

On page 6, strike line 1 and all that follows through page 7, line 16, and insert the following:

''(3) DUTIES.—The task force shall—

''(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

''(B) coordinate administrative and regulatory activities and develop proposals relating to—

''(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

''(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

''(vi) making other improvements relating to the support for veterans business development by the Federal Government.

On page 9, strike line 13 and all that follows through page 10, line 8, and insert the following:

''(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

''(1) compile information on existing resources available to women veterans for business training, including resources for—

''(A) vocational and technical education;

''(B) general business skills, such as marketing and accounting; and

''(C) business assistance programs targeted to women veterans; and

''(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.''.

On page 11, strike line 10 and all that follows through page 20, line 23, and insert the following:

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

On page 22, between lines 10 and 11, insert the following:

SEC. 202. DISASTER LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (E), by striking ''unless'' and all that follows and inserting a period; and

(2) by inserting after subparagraph (I), the following:

''(J) There shall be reasonable assurance that a loan recipient under this paragraph can repay the loan of personal or business cash flow.''.

On page 22, line 21, strike ''waive'' and all that follows through ''date'' on line 23 and insert ''extend the ending date specified in the preceding sentence by not more than 1 year''.

On page 24, line 4, strike ''shall'' and insert ''may''.

On page 32, between lines 9 and 10, insert the following:

(d) ADDITIONAL STUDY.—Not later than 180 days after the date of enactment of this Act, the Office of Advocacy of the Administration shall submit to Congress a report describing—

(1) the barriers in place arising from Federal regulations for veterans who wish to become entrepreneurs;

(2) the barriers in place arising from the tax code for veterans who wish to become entrepreneurs; and

(3) any recommendations for how best to eliminate those barriers to better assist current or prospective veteran small business owners.

SA 3887. Mr. SCHUMER (for Mr. LEAHY (for himself and Mr. SCHUMER)) proposed an amendment to the bill H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TILE.—This Act may be cited as the ''NICS Improvement Amendments Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.
Sec. 106. Illegal immigrant gun purchase notification.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady

background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter's disqualifying mental health information was available to NICS.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term ''court order'' includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms ''adjudicated as a mental defective'' and ''committed to a mental institution'' have the same meanings as in section 922(g)(4) of title 18, United States Code.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term ''misdemeanor crime of domestic violence'' has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(A) IN GENERAL.—Notwithstanding'';

(2) by striking ''On request'' and inserting the following:

''(B) REQUEST OF ATTORNEY GENERAL.—On request'';

(3) by striking ''furnish such information'' and inserting ''furnish electronic versions of the information described under subparagraph (A)''; and

(4) by adding at the end the following:

''(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

''(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

''(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

''(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

''(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.''.

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act, a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act, the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms ''unlawful user'' and ''addicted'' are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as ''NICS''), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $250,000,000 for fiscal year 2011, $125,000,000 for fiscal year 2012, and $125,000,000 for fiscal year 2013.

(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—

(A) During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the ''Director'') shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $62,500,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $125,000,000 for fiscal year 2011, $62,500,000 for fiscal year 2012, and $62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

SA 3888. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Burma Democracy Promotion Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council, the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the SPDC to engage in meaningful dialogue to pursue national reconciliation.

(2) The SPDC violently confronted unarmed demonstrators, killing, injuring, and imprisoning citizens, including several thousand Buddhist monks, and continues to forcefully restrict peaceful forms of public expression.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) On September 25, 2007, President Bush announced that the United States would—

(A) tighten economic sanctions against Burma, and block property and interests in property of—

(i) certain senior leaders of the SPDC;

(ii) individuals who provide financial backing for the SPDC; and

(iii) individuals responsible for violations of human rights and for impeding the transition to democracy in Burma; and

(B) impose an expanded visa ban on individuals—

(i) responsible for violations of human rights; and

(ii) who aid, abet, or benefit from the efforts of the SPDC to impede the efforts of the people of Burma to transition to democracy and ensure respect for human dignity.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones and hardwoods.

(7) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(8) Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(9) Burma officially exports tens of millions of dollars worth of rubies, sapphires, pearls, jade, and other precious stones each year and the SPDC owns a majority stake in all mining operations within the borders of Burma.

(10) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(11) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(12) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ''account'', ''correspondent account'', and ''payable-through account'' have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

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

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

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

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term ''ASEAN'' means the Association of Southeast Asian Nations.

(4) PERSON.—The term ''person'' means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term ''SPDC'' means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term ''United States person'' means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) LIST OF OFFICIALS OF THE SPDC.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) officials of the SPDC who have played a direct and substantial role in the repression of peaceful political activity in Burma or in the commission of other human rights

abuses, including any current or former officials of the security services and judicial institutions of the SPDC; and

(B) any other Burmese persons who provide substantial economic and political support for the SPDC.

(2) UPDATES.—The President shall regularly submit updated versions of the list required under paragraph (1).

(b) SANCTIONS.—

(1) VISA BAN.—A person included on the list required under subsection (a) shall be ineligible for a visa to enter the United States.

(2) FINANCIAL SANCTIONS.—

(A) BLOCKED PROPERTY.—No property or interest in property belonging to a person described in subparagraph (C) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(i) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(ii) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(B) FINANCIAL TRANSACTIONS.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subparagraph (C).

(C) PERSON DESCRIBED.—A person is described in this subparagraph if the person is—

(i) an official of the SPDC;

(ii) included on the list required under subsection (a); or

(iii) an immediate family member of a person included on the list required under subsection (a), if the President determines that the person included on the list—

(I) effectively controls the property, for purposes of subparagraph (A); or

(II) would benefit from a financial transaction, for purposes of subparagraph (B).

(c) AUTHORITY FOR ADDITIONAL BANKING SANCTIONS.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to a person on the list required under subsection (a); or

(B) to conduct a transaction on behalf of a person on the list required under subsection (a).

(2) AUTHORITY TO DEFINE TERMS.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(e) EXCEPTIONS.—

(1) IN GENERAL.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

(2) ADDITIONAL EXCEPTIONS.—The Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsection (b) and (c)—

(A) to permit the United States to operate its diplomatic mission;

(B) to permit United States citizens to visit Burma; and

(C) for such other purposes as the Secretary determines to be necessary.

(f) PENALTIES.—Any person who violates any prohibition or restriction described in subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(g) TERMINATION OF SANCTIONS.—The sanctions imposed under subsection (b) or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(h) WAIVER.—The sanctions described in subsection (b) or (c) may be waived if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. PROHIBITION ON IMPORTATION OF BURMESE GEMS, HARDWOODS, AND OTHER ITEMS.

Section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended by striking ''a product of Burma.'' and inserting ''produced, mined, manufactured, grown, or assembled in Burma, including—

''(A) any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as a component of a finished piece of jewelry; and

''(B) any teak or other hardwood timber, regardless of the country in which such hardwood timber is milled, sawn, or otherwise processed, whether imported in unprocessed form or as a part or component of finished furniture or another wood item.''.

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) UNITED STATES SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) RANK.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(c) DUTIES AND RESPONSIBILITIES.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the members of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS.

It is the sense of Congress that the United States—

(1) joins the foreign ministers of member nations of ASEAN that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all members live up to their membership obligations and adhere to the core principles of ASEAN, including respect for, and commitment to, human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for, and commitment to, human rights.

SEC. 9. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) IN GENERAL.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 10. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Section 5 of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701) is amended—

(1) by inserting ''(a) OPPOSITION TO ASSISTANCE TO BURMA'' before ''The Secretary''; and

(2) by adding at the end the following:

''(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue

multi-year licenses for humanitarian or religious activities in Burma. Licenses issued pursuant to this section shall be subject to annual review.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States;

(ii) a description of the national security need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 11. REPORT ON MILITARY AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(1) contains a list of countries that provide military aid to Burma; and

(2) describes the military aid provided by each of the countries described in paragraph (1).

(b) MILITARY AID DEFINED.—In this section, the term ''military aid'' includes—

(1) the provision of weapons, military vehicles, and military aircraft;

(2) the provision of military training; and

(3) conducting joint military exercises.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form and may include a classified annex.

SEC. 12. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, and holds free and fair elections to establish a new government.

SA 3889. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; as follows:

The title is amended to read as follows:

''An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.''.

SA 3890. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Defenders of Freedom Tax Relief Act of 2007''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal 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 a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY

Sec. 101. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 102. Modification of mortgage revenue bonds for veterans.
Sec. 103. Survivor and disability payments with respect to qualified military service.
Sec. 104. Treatment of differential military pay as wages.
Sec. 105. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 106. Distributions from retirement plans to individuals called to active duty.
Sec. 107. Disclosure of return information relating to veterans programs made permanent.
Sec. 108. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 109. Suspension of 5-year period during service with the Peace Corps.
Sec. 110. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 111. State payments to service members treated as qualified military benefits.
Sec. 112. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 113. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.
Sec. 114. Option to exclude military basic housing allowance for purposes of determining income eligibility under low-income housing credit and bond-financed residential rental projects.

TITLE II—REVENUE PROVISIONS

Sec. 201. Increase in penalty for failure to file partnership returns.
Sec. 202. Increase in penalty for failure to file S corporation returns.
Sec. 203. Increase in minimum penalty on failure to file a return of tax.
Sec. 204. Revision of tax rules on expatriation.
Sec. 205. Special enrollment option by employer health plans for members of uniform services who lose health care coverage.

TITLE III—TAX TECHNICAL CORRECTIONS

Sec. 301. Short title.
Sec. 302. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 303. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 304. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 305. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 306. Amendments related to the Energy Policy Act of 2005.
Sec. 307. Amendments related to the American Jobs Creation Act of 2004.
Sec. 308. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 309. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 310. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 311. Clerical corrections.

TITLE IV—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 401. Parity in application of certain limits to mental health benefits.

TITLE I—BENEFITS FOR MILITARY

SEC. 101. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

''(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.''.

(b) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 102. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking ''and before January 1, 2008''.

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking ''$25,000,000'' each place it appears and inserting ''$100,000,000''.

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

''(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

''(A) served on active duty, and

''(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of

section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

''(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.''.

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

''(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

''(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

''(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

''(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

''(i) the 12-month period of service with the employer immediately prior to qualified military service, or

''(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking ''and (31)'' and inserting ''(31), and (37)''.

(2) Section 403(b) is amended by adding at the end the following new paragraph:

''(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).''.

(3) Section 457(g) is amended by adding at the end the following new paragraph:

''(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting ''2011'' for ''2009'' in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 104. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

''(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

''(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

''(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

''(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

''(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

''(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

''(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

''(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

''(ii) the differential wage payment shall be treated as compensation, and

''(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

''(B) SPECIAL RULE FOR DISTRIBUTIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

''(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

''(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

''(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).''.

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting ''AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY'' after ''USERRA''.

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: ''The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting ''2011'' for ''2009'' in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 105. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

''(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

''(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

''(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

''(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting ''the date of the enactment of the Defenders of Freedom Tax Relief Act of 2007'' for ''the date of such determination'' in subparagraph (A) thereof.

SEC. 106. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking '', and before December 31, 2007''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 107. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking ''sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)'' and inserting ''sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)''.

SEC. 108. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

''(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

''(A) to a Roth IRA from another such account,

''(B) from an eligible retirement plan, but only if—

''(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

''(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

''(2) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

''(9) MILITARY DEATH GRATUITY.—

''(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

''(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

''(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

''(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

''(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code

of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 109. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

''(12) PEACE CORPS.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

''(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

''(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

''(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 110. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

''SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

''(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

''(b) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

''(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

''(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

''(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

''(i) employed an average of less than 50 employees on business days during such taxable year, and

''(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

''(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

''(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

''(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

''(2) the 2 succeeding taxable years.

''(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

''(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.''.

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking ''plus'' at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting '', plus'', and by adding at the end of following new paragraph:

''(32) the differential wage payment credit determined under section 45O(a).''.

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting ''45O(a),'' after ''45A(a),''.

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 111. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 112. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) PERMANENT EXCLUSION.—

(1) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking ''and before January 1, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after December 31, 2010.

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—

(1) IN GENERAL.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 113. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

''(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

''(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

''(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

''(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 114. OPTION TO EXCLUDE MILITARY BASIC HOUSING ALLOWANCE FOR PURPOSES OF DETERMINING INCOME ELIGIBILITY UNDER LOW-INCOME HOUSING CREDIT AND BOND-FINANCED RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—The last sentence of 142(d)(2)(B) (relating to income of individuals; area median gross income) is amended to read as follows: ''For purposes of determining income under this subparagraph—

''(i) subsections (g) and (h) of section 7872 shall not apply, and

''(ii) in the case of determinations made before January 1, 2015, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded if the project is located in a census tract which is designated by the Governor (of the State in which such tract is located) as being in need of housing for members of the Armed Forces of the United States.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect with respect to determinations made after the date of the enactment of this Act.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month), as amended by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 202. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month), as

added to the Internal Revenue Code of 1986 by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking ''$85'' and inserting ''$100''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 203. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking ''$100'' in the last sentence and inserting ''$225''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 204. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

''(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

''(4) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

SEC. 205. SPECIAL ENROLLMENT OPTION BY EMPLOYER HEALTH PLANS FOR MEMBERS OF UNIFORM SERVICES WHO LOSE HEALTH CARE COVERAGE.

(a) IN GENERAL.—Section 9801(f) (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), 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 each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—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:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), 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 each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(c) 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:

''(3) LOSS OF MILITARY HEALTH COVERAGE.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), 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 each of the following conditions is met:

''(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

''(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

''(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

''(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.''.

(d) REGULATIONS.—The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, consistent with section 104 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note), may promulgate such regulations as may be necessary or appropriate to require the notification of individuals (or their dependents) of their rights under the amendment made by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

TITLE III—TAX TECHNICAL CORRECTIONS

SEC. 301. SHORT TITLE.

This title may be cited as the ''''.

SEC. 302. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

''(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

''(i) $5,000,

''(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

''(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 303. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

''(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

''(A) the shareholder's pro rata share of such contribution, over

''(B) the shareholder's pro rata share of the adjusted basis of such property.''.

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking ''related'' and inserting ''substantial and related''.

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

''(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).''.

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting ''a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g)),'' before ''or a gross valuation misstatement''.

(2) Paragraph (1) of section 6696(d) is amended by striking ''or under section 6695'' and inserting '', section 6695, or 6695A''.

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

''(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.''.

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking ''INFORMATION'' in the heading, and

(B) by adding at the end the following: ''Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.''.

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

''(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),''.

(3) Paragraph (2) of section 6104(d) is amended by striking ''section 6033'' and inserting ''section 6011 or 6033''.

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking ''or D'' and inserting ''D, or G''.

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking ''paragraph (1), (2), or (4) of section 509(a)'' and inserting ''subparagraph (C)(ii)''.

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

''(ii) EXCEPTION.—Such term shall not include—

''(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

''(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.''.

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 304. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

''(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.''.

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

''(A) it is engaged in the active conduct of a trade or business,''.

(2) Paragraph (3) of section 355(b) is amended to read as follows:

''(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

''(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

''(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

''(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

''(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.''.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

''(f) DETERMINATION OF TAX LIABILITY.—

''(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

''(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

''(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

''(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

''(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

''(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

''(2) SPECIAL RULES.—

''(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable

year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

''(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

''(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

''(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

''(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

''(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

''(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

''(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 305. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting ''or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))'' after ''section 6426'' in subparagraph (A),

(B) by inserting ''or (e)(2)'' after ''subsection (e)(1)'' in subparagraphs (A)(i) and (B), and

(C) by striking ''ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT'' and inserting ''MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT'' in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking ''hydrocarbons'' and inserting ''fuel''.

(3) Section 6426 is amended by adding at the end the following new subsection:

''(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA–LU to which they relate.

SEC. 306. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

''(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.''.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

''(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—''.

(2) Subsection (c) of section 30C is amended to read as follows:

''(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

''(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

''(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

''(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

''(B) Any mixture—

''(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

''(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.''.

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting ''for energy research'' before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

''(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.''.

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: ''No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

''(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.''.

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking ''(other than with respect to any sale for export under paragraph (3) thereof)'', and

(ii) by adding at the end the following new sentence: ''The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(B) Section 4082 is amended—

(i) by striking ''(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)'' in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

''(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

''(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

''(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.''.

(C) Subsection (e) of section 4082 is amended—

(i) by striking ''an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero.'' and inserting ''an aircraft—

''(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

''(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero.''; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

''SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

''No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

''(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

''(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

''(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).''.

(3) Paragraph (5) of section 4041(d) is amended by inserting ''(b)(1)(A),'' after ''subsections''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 307. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

''(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).''.

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

''(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.''.

(B) Subsection (m) of section 6501 is amended by inserting ''45H(g),'' after ''45C(d)(4),''.

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking ''qualified capital costs'' and inserting ''qualified costs''.

(B) The heading of paragraph (2) of section 45H(c) is amended by striking ''CAPITAL''.

(C) Subsection (a) of section 179B is amended by inserting ''and which are properly chargeable to capital account'' before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking ''which is segregated from other waste materials and''.

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting ''and'' at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

''(2) TAX-EXEMPT USE PROPERTY.—

''(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

''(i) without regard to paragraphs (1)(C) and (3) thereof, and

''(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

''(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

''(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).''.

(2) Subparagraph (A) of section 470(d)(1) is amended by striking ''(at any time during the lease term)'' and inserting ''(at all times during the lease term)''.

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

''(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

''(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

''(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and''.

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

''A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.''.

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking ''identified positions'' in clause (i) and inserting ''positions'',

(ii) by striking ''identified position'' in clause (ii) and inserting ''position'', and

(iii) by striking ''identified offsetting positions'' in clause (ii) and inserting ''offsetting positions''.

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking ''identified offsetting position'' and inserting ''offsetting position''.

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

''(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.''.

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting ''the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii),'' before ''and the ordering rules''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 308. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking ''for prior taxable years'' and inserting ''permitted for prior taxable years by reason of this paragraph''.

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting ''or consisting of designated Roth contributions (as defined in section 402A(c))'' before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 309. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking ''placed in service by the taxpayer'' and inserting ''originally placed in service''.

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

''(ii) LODGING FACILITY.—The term 'lodging facility' means a—

''(I) hotel,

''(II) motel, or

''(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 310. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting ''and related background file documents'' after ''Chief Counsel advice'' in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 311. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking ''section 152(e)(3)(A)'' in the

flush matter after subparagraph (B) and inserting ''section 152(e)(4)(A)''.

(2) Paragraph (3) of section 25C(c) is amended by striking ''section 3280'' and inserting ''part 3280''.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

''(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

''(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),''.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking ''with respect to gasoline used during the taxable year on a farm for farming purposes'',

(B) in paragraph (2), by striking ''with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service'', and

(C) in paragraph (3), by striking ''with respect to fuels used for nontaxable purposes or resold during the taxable year''.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking ''paragraph (2) or (4) of'', and

(B) by striking ''(within the meaning of section 152(e)(1))'' and inserting ''(as defined in section 152(e)(4)(A))''.

(6) Subsection (b) of section 38 is amended—

(A) by striking ''and'' each place it appears at the end of any paragraph,

(B) by striking ''plus'' each place it appears at the end of any paragraph, and

(C) by inserting ''plus'' at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking ''section 3280'' and inserting ''part 3280''.

(8) Subsection (c) of section 48 is amended by striking ''subsection'' in the text preceding paragraph (1) and inserting ''section''.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking ''paragraph (1)'' and inserting ''subsection (a)''.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking ''subsection'' both places it appears.

(11) The last sentence of section 125(b)(2) is amended by striking ''last sentence'' and inserting ''second sentence''.

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking ''section 263A(j)(2)'' and inserting ''section 263A(i)(2)''.

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking ''subparagraph (E)'' and inserting ''subparagraph (F)''.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(1)(F)''.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking ''subparagraph (F)'' and inserting ''subparagraph (G)''.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking ''section 170(b)(1)(E)(ii)'' and inserting ''section 170(b)(1)(F)(ii)''.

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting '', but without regard to clause (ii) thereof'' after ''paragraph (7)(C)''.

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking ''all interest in the property is'' and inserting ''all interests in the property are''.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 403(d)(2)), are each amended—

(i) by striking ''interest'' and inserting ''interests'', and

(ii) by striking ''before'' and inserting ''on or before''.

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

''(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.''.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

''(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

''(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

''(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.''.

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: ''For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.''.

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

''(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

''(i) IN GENERAL.—Net income from notional principal contracts.

''(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.''.

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 25C(e)'' and inserting ''section 25C(f)''.

(21) Paragraph (36) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking ''section 30C(f)'' and inserting ''section 30C(e)(1)''.

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding ''and'' at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking ''subsection (e)'' and inserting ''subsection (d)''.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking ''Section 1297(e)'' and inserting ''Section 1297(d)''.

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking '', section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)'' and inserting ''or section 1361(b)(3)(B)(ii)'', and

(B) by striking '', section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)'' in subparagraph (B) and inserting ''or section 1361(b)(3)(C)''.

(25) Paragraph (2) of section 1400O is amended by striking ''under of'' and inserting ''under''.

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400T. Special rules for mortgage revenue bonds.''.

(27) Subsection (b) of section 4082 is amended to read as follows:

''(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

''(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

''(2) any use in a train, and

''(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).''.

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking ''section 4457(e)(1)(A)'' and inserting ''section 457(e)(1)(A)''.

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking ''this subpart'' and inserting ''this subchapter''.

(32) Subsection (b) of section 6046 is amended—

(A) by striking ''subsection (a)(1)'' and inserting ''subsection (a)(1)(A)'', and

(B) by striking ''paragraph (2) or (3) of subsection (a)'' and inserting ''subparagraph (B) or (C) of subsection (a)(1)''.

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking ''the Canal Zone,''.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking ''and 34'' and inserting ''34, and 35''.

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking ''section 6013(e)'' and inserting ''section 6015''.

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking ''section 4081(a)(2)(iii)'' and inserting ''section 4081(a)(2)(A)(iii)''.

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subsection (a) of section 6695A is amended by striking ''then such person'' in paragraph (2) and inserting the following:

''then such person''.

(40) Subparagraph (C) of section 6707A(e)(2) is amended by striking ''section 6662A(e)(2)(C)'' and inserting ''section 6662A(e)(2)(B)''.

(41)(A) Paragraph (3) of section 9002 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(B) Paragraph (1) of section 9004(a) is amended by striking ''section 320(b)(1)(B)'' and inserting ''section 315(b)(1)(B)''.

(C) Paragraph (3) of section 9032 is amended by striking ''section 309(a)(1)'' and inserting ''section 306(a)(1)''.

(D) Subsection (b) of section 9034 is amended by striking ''section 320(b)(1)(A)'' and inserting ''section 315(b)(1)(A)''.

(42) Section 9006 is amended by striking ''Comptroller General'' each place it appears and inserting ''Commission''.

(43) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(44) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking ''shall take effect of the date of the enactment'' and inserting ''shall take effect on the date of the enactment''.

(45) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking ''enzymatic''.

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting ''or (h)(1)'' after ''section 6050H(a)''.

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting ''or (h)(2)'' after ''section 6050H(d)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking ''the excess (if any) of'' in the matter preceding clause (i) and inserting ''the greater of'', and

(B) by striking ''section'' in clause (ii)(II) and inserting ''section 32''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking ''ultimate vendor'' and all that follows through ''has certified'' and inserting ''ultimate vendor or credit card issuer has certified'', and

(B) by striking ''all ultimate purchasers of the vendor'' and all that follows through ''are certified'' and inserting ''all ultimate purchasers of the vendor or credit card issuer are certified''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking ''2006'' and inserting ''2008''.

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking ''qualified research expenses and basic research payments'' and inserting ''qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking ''a controlled group'' and inserting ''an affiliated group''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking ''921'' and inserting ''921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking ''a cooperative described in section 927(a)(4)'' and inserting ''an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products''.

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

''(C) FSC.—The term 'FSC' has the meaning given such term by section 922.''.

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

''(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(5) Paragraph (4) of section 275(a) is amended by striking ''if'' and all that follows and inserting ''if the taxpayer chooses to take to any extent the benefits of section 901.''.

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(7)(A) Paragraph (4) of section 441(b) is amended by striking ''FSC or''.

(B) Subsection (h) of section 441 is amended—

(i) by striking ''FSC or'' each place it appears, and

(ii) by striking ''FSC'S AND'' in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma ''(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting ''and'' at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking ''a FSC (or a former FSC)'' in subclause (II) (as so redesignated) and inserting ''a former FSC (as defined in section 922)'', and

(C) by adding at the end the following:

''Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking ''FSC or''.

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking ''subparagraphs (J), (K), and (L)'' in the flush sentence at the end and inserting ''subparagraphs (I), (J), and (K)''.

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking ''section 956(c)(2)(J)'' and inserting ''section 956(c)(2)(I)''.

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting ''and'' at the end of subparagraph (C), and by striking '', and'' at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting ''(as defined in section 922)'' after ''a FSC'', and

(B) by adding at the end the following new sentence: ''Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.''.

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking ''foreign trade income of a FSC or''.

(19)(A) Paragraph (1) of section 6011(c) is amended by striking ''or former DISC or a FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

TITLE IV—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 401. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking ''2007'' and inserting ''2008''.

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking ''2007'' and inserting ''2008''.

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking ''2007'' and inserting ''2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished after December 31, 2007.

SA 3891. Mr. REID (for Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI)) proposed an amendment to the bill S. 1974, to make technical corrections related to the Pension Protection Act of 2006; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the ''Pension Protection Technical Corrections Act of 2007''.

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term ''1986 Code'' means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term ''ERISA'' means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term ''2006 Act'' means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 302(c)(7) of ERISA is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking '', the valuation date,''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking ''the plan is'' and inserting ''the plan are''.

(B) Section 412(c)(7) of the 1986 Code is amended by inserting ''which reduces the accrued benefit of any participant'' after ''subsection (d)(2)'' in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking '', the valuation date,''.

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 303(f)(4)(A) of ERISA is amended by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking ''section 205(g)(3)(B)(iii)(I)) for such month'' and inserting ''section 205(g)(3)(B)(iii)(I) for such month)'', and

(ii) by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

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

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.'',

(ii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iii) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 303(k)(6)(B) of ERISA is amended by striking '', except'' and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

''(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

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

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

''(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(C) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

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

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

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

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(D) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is

180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

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

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(F) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(G) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(H) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

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

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 621.—Section 404(c)(1) of ERISA is amended—

(1) by inserting ''(or any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less)'' after ''blackout period'' in subparagraph (A)(ii), and

(2) by inserting the following new sentence at the end of subparagraph (B): ''In the case of any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less, the preceding sentence shall apply to such period if the person referred to in subparagraph (A)(ii) meets the requirements described in the preceding sentence with respect to such period in the same manner as if it were a blackout period.''

(e) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(ii) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(iii) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting ''on or'' after ''period'' in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(II) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(iii) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

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

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.''.

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(c) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(d) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(e) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution which is treated as an eligible rollover distribution by reason of section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B).''

(B) Clause (i) of section 402(c)(11) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(f) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(g) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(h) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(i) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(j) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(k) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(l) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided,

however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(B) The spouse or former spouse attains age 62.

''(C) The employee attains age 62 (or if deceased, would have attained age 62).

''(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 13. AMENDMENT RELATED TO TITLE XII.

Section 408(d)(8)(D) of the 1986 Code is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

SEC. 14. OTHER PROVISIONS.

(a) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.''.

(2) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.''.

(b) AMENDMENTS RELATED TO SECTION 1004.—

(1) AMENDMENT OF ERISA.—Paragraph (2) of section 205(d) of ERISA is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (B), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

''(i) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) of the Internal Revenue Code of 1986 or aggregated under subsection (b), (c), (m), or (o) of section 414 of such Code with an organization that is exempt from tax under section 501(a) of such Code,

''(ii) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

''(iii) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.''.

(2) AMENDMENT OF 1986 CODE.—Subsection (g) of section 417 of the 1986 Code is amended by adding at the end the following:

''(3) ALTERNATIVE METHOD OF COMPLIANCE.—Notwithstanding paragraph (2), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

''(A) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) or aggregated under subsection (b), (c), (m), or (o) of section 414 with an organization that is exempt from tax under section 501(a),

''(B) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

''(C) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.''.

SEC. 15. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

SA 3892. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade; as follows:

On page 15, strike lines 3 through 5.

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 the Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 24, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Reform of the Mining Law of 1872.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate gov.

For further information, please contact Patty Beneke at (202) 224–5451, Angela Becker-Dippman at (202) 224–5269 or Gina Weinstock at (202) 224–5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

The primary focus of the hearing will be on the Federal Motor Carrier Safety Administration's, FMCSA, interim final rule, IFR, governing truck driver HOS. This IFR is in response to a July 2007 U.S. Court of Appeals decision vacating key aspects of the FMCSA's 2005 HOS rule. The Subcommittee will receive testimony on the IFR and related truck driver fatigue and truck safety matters from the FMCSA, truck safety advocates and the motor carrier industry. Subcommittee Chairman Frank R. Lautenberg will preside.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 9:30 a.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 11 a.m. hold a briefing on Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WYDEN. 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 a hearing entitled ''Executive Nominations'' on Wednesday, December 19, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list

Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Melissa Fiffer, be granted floor privileges for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Gregory Hinrichsen, a fellow in my office, be allowed to come on to the floor for my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENDERS OF FREEDOM TAX RELIEF ACT OF 2007

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.r. 3997.

The legislative clerk read as follows:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3997) entitled ''An Act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes'', with an amendment.

Mr. BAUCUS. Mr. President, as the Christmas season approaches, it is important to pause and reflect on the sacrifices that our men and women in uniform make for us every day.

Fully 1.4 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000 troops have been wounded in action.

In September, I took a trip to Iraq. I was so impressed by what an amazing job our troops are doing. I met many Montanans from small towns like Roundup and Townsend. Despite all of the hardships that they face—all the danger—they keep at it every day. I saw firsthand what a heavy burden our troops bear for all of us.

Today, one small way to support them in their efforts is to make the Tax Code a little more troop-friendly. We can extend the special tax rules that make sense for our military that expire in 2007 and 2008. And we can eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $100,000, but the Tax Code restricts the survivors from contributing this benefit into a Roth IRA. Today we can make sure that the family members of fallen soldiers may take advantage of tax-favored accounts.

Another hazard in the tax laws impeding our disabled veterans is the statute of limitations for filing a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed due to lost paperwork or the appeals of rejected claims. Once a disabled vet finally gets a favorable award, the good news is that the disability award is tax-free. But the bad news is that many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. Today, we can give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income bracket soldiers. Their income needs to count towards computing the earned income tax credit, or EITC. But the provision that makes EITC work for combat troops expires at the end of 2007. The EITC is a very beneficial tax provision available to working Americans. And it makes no sense to deny it to our troops. Today we can make combat duty income count for EITC purposes and make this change to the Tax Code permanent.

I should mention that these tax provisions are fully paid for. A change in the Tax Code makes sure that any individual relinquishing their U.S. citizenship is still on the hook to pay for their fair share of U.S. taxes.

A soldier's rucksack is heavy enough as it is without loading it down with tax burdens. We owe the Americans fighting in our armed forces an enormous debt of gratitude.

That's why today I am asking for these important tax reforms. They are one small way that we can salute our men and women in uniform for all they do.

Also included in this package are a series of tax technical corrections. These noncontroversial provisions contain corrections to various tax acts from 1999, 2001, 2003, 2004, 2005 and 2006.

These technical changes include clarifications on the contributions of fractional interests in tangible property, modification of the active business definition under section 355, timing of claims for excess alternative fuel, and the treatment of losses on positions in identified straddles.

The technical corrections package also includes a number of clerical and conforming amendments, including amendments correcting typographical errors. This package makes sense and adds clarity to the code, which we desperately need as we head into the 2007 filing season.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendments with an amendment, which is at the desk, and that the amendment be agreed to, the motion to reconsider be laid upon the table, and that the previous order with respect to this bill remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3890) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 333, S. 1974.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, in connection with S. 1974, the Pension Protection Technical Corrections Act of 2007, the ranking Republican member of the Finance Committee, Senator GRASSLEY, and I have prepared a joint statement that contains an explanation of the bill. This explanation expresses the Senate Finance Committee's understanding of the provisions of the bill and serves as a reference in understanding the legislative intent behind this important legislation.

I ask unanimous consent that this joint statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS MAX BAUCUS AND CHUCK GRASSLEY

The Pension Protection Act of 2006 arguably marks the most sweeping changes to

the pension laws since the enactment of the Employee Retirement Income Security Act of 1974. In general, the Act, which was signed into law on August 17, 2006, changes the funding rules for single-employer defined benefit pension plans, expands the deduction limits for contributions to such plans, modifies the rules for determining lump sum distributions, and provides clarification and adds new rules for cash balance pension plans. The Act also provides special funding rules for plans maintained by airlines and airline catering companies, provides new rules for multiemployer pension plans, and requires increased disclosure of pension plan information. In the defined contribution plan area, the Pension Act adds rules relating to automatic enrollment plans, eliminating legal impediments to such arrangements and providing incentives for plan sponsors to adopt these arrangements. There were modifications to prohibited transactions and other fiduciary rules under ERISA, particularly with regard to the provision of investment advice. A welcome addition to the Act was the elimination of the expiration date of the tax provisions added as part of the Economic Growth and Tax Relief Reconciliation Act of 2001, so that the increases in contribution limits to IRAs, 401(k), 403(b), and 457 plans, the catch-up contribution and the Roth 401(k), will continue to apply and not sunset in 2010.

Like many complicated pieces of legislation, technical corrections to the law must be made. Technical corrections to the law are often time sensitive. That is, many of them must be passed by both Houses of Congress before the effective date of the statute. Like many of the rules under the Pension Act, the funding rules for single-employer defined benefit pension plans are effective January 1, 2008. If technical corrections to the single-employer defined benefit plan funding rules are not passed by year-end, the pension community and the Department of Treasury—the agency tasked with interpreting the statute and providing the necessary details on how the new law works—will be placed in a very tough spot. That is, the Department of Treasury will not have the necessary corrections and clarifications of the original intent of the Act to sufficiently issue the details necessary to allow the pension community to achieve proper compliance. This is not fair to the pension community or the Treasury Department. Failing to pass a pension technical corrections bill by December 31, 2007, would therefore be irresponsible.

It has come to the Senate's attention that the House of Representatives does not share the Senate's sense of urgency about these time-sensitive pension technical corrections. We don't understand this position. Perhaps, the House majority wants to re-negotiate the Pension Act, which could be accomplished by delaying the effective date of the statute for 1 year. We would like to remind everyone that the Senate passed the Act by a 93 to 5 vote. It is clear that a bipartisan majority of the Senate thinks the Pension Act is good pension policy. It is also clear that the Senate does not and would not support delaying effective date of the statute. That is a non-starter.

So we urge the House to heed the warnings from the pension community that pension plan participants could be adversely affected without the necessary corrections and clarifications of the Pension Act. We urge the House to pass S. 1974 before Congress adjourns. Failure to pass a pension technical corrections package would send the wrong message to plan sponsors and pension plan participants.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD; that upon passage, the bill remain at the desk until such time the Senate receives a companion measure from the House; that the Senate then proceed to its consideration; that all after the enacting clause be stricken, the text of S. 1974, as amended, be inserted in lieu thereof, the bill advanced to third reading, passed, and the motion to reconsider be laid upon the table without further intervening action or debate, and that S. 1974 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3891) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1974), as amended, was read the third time and passed, as follows:

S. 1974

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

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the "Pension Protection Technical Corrections Act of 2007".

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term "2006 Act" means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking "the plan is" and inserting "the plan are".

(B) Section 302(c)(7) of ERISA is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking ", the valuation date,".

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking "the plan is" and inserting "the plan are".

(B) Section 412(c)(7) of the 1986 Code is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking ", the valuation date,".

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting "beginning" before "after 2008".

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 303(f)(4)(A) of ERISA is amended by striking "paragraph (2)" and inserting "paragraph (3)".

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking "section 205(g)(3)(B)(iii)(I)) for such month" and inserting "section 205(g)(3)(B)(iii)(I) for such month)", and

(ii) by striking "subparagraph (B)" and inserting "subparagraph (C)".

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

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

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.",

(ii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iii) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 303(k)(6)(B) of ERISA is amended by striking ", except" and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

''(A) the sum of—

''(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

''(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(B) the amount of mandatory employee contributions expected to be made during the plan year.

''(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.''.

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting ''beginning'' before ''after 2008''.

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting ''for such year'' after ''beginning in 2007)''.

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking ''as of the first day of the plan year'' the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking ''paragraph (2)'' in paragraph (4)(A) and inserting ''paragraph (3)'',

(iii) by striking ''paragraph (1), (2), or (4) of section 206(g)'' in paragraph (6)(B)(iii) and inserting ''subsection (b), (c), or (e) of section 436'',

(iv) by striking ''the sum of'' in paragraph (6)(C), and

(v) by striking ''of the Treasury'' in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting ''and target normal cost'' after ''funding target'' in subparagraph (B),

(ii) by striking ''liabilities'' and inserting ''benefits'' in subparagraph (B),

(iii) by striking ''section 417(e)(3)(D)(i)) for such month'' in subparagraph (F) and inserting ''section 417(e)(3)(D)(i) for such month)'', and

(iv) by striking ''subparagraph (B)'' in subparagraph (F) and inserting ''subparagraph (C)''.

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

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

''(A) the excess of—

''(i) the sum of—

''(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

''(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

''(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus'', and

(II) in subparagraph (B), by striking ''the target normal cost (determined without regard to this paragraph) of the plan for the plan year'' and inserting ''the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year'', and

(ii) by striking ''subparagraph (A)(ii)'' in the last sentence of paragraph (4)(B) and inserting ''subparagraph (A)''.

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: ''In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.'',

(ii) by striking ''section 302(c)'' in subparagraph (D)(ii)(II) and inserting ''section 412(c)'',

(iii) by adding at the end of subparagraph (E) the following new clause:

''(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.'', and

(iv) by striking ''AND SHORT YEARS'' in the heading of subparagraph (E) and inserting '', SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE''.

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting ''(as provided under paragraph (2))'' after ''applies'' in paragraph (1), and

(ii) by striking '', except'' and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking ''section 206(g)(4)(B)'' and inserting ''section 206(g)(4)(A)''; and

(ii) by adding at the end the following: ''The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.''.

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking ''a funding'' and inserting ''an adjusted funding''.

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting ''BENEFIT'' after ''EVENT''.

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.''.

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting ''adjusted'' before ''funding''.

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking ''without regard to this subparagraph and'' in clause (i), and

(ii) in clause (iii)—

(I) by striking ''without regard to this subparagraph'' and inserting ''without regard to the reduction in the value of assets under section 303(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

''(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.''.

(H) Section 502(c)(4) of ERISA is amended by striking ''by any person'' and all that follows through the period and inserting ''by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking ''section 303'' and inserting ''section 430'' in the matter preceding subparagraph (A), and

(ii) by striking ''a funding'' and inserting ''an adjusted funding'' in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting ''BENEFIT'' after ''EVENT'' in the heading, and

(ii) by striking ''any event'' in subparagraph (B) and inserting ''an event''.

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

''Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.''.

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting ''adjusted'' before ''funding'' in paragraph (1)(D), and

(ii) by striking ''prefunding balance under section 430(f) or funding standard carryover balance'' in paragraph (2) and inserting ''prefunding balance or funding standard carryover balance under section 430(f)''.

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking ''without regard to this paragraph and'',

(II) by striking ''section 430(f)(4)(A)'' and inserting ''section 430(f)(4)'', and

(III) by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)'', and

(ii) in subparagraph (C)—

(I) by striking ''without regard to this paragraph'' and inserting ''without regard to the reduction in the value of assets under section 430(f)(4)'', and

(II) by inserting ''beginning'' before ''after'' each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

''(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

''(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.''.

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking ''subsection'' and inserting ''section'', and

(B) by striking ''subparagraph'' and inserting ''paragraph''.

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking ''the normal costs, the accrued liabilities'' and inserting ''the normal costs or target normal costs, the accrued liabilities or funding target'', and

(ii) by striking paragraph (7) and inserting the following new paragraph:

''(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.''.

(B) Section 4071 of ERISA is amended by striking ''as section 303(k)(4) or 307(e)'' and inserting ''or section 303(k)(4),''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking ''ON PLANS IN AT-RISK STATUS'' in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking ''section 430(j)'' and inserting ''section 430(j)(3)'', and

(ii) by striking ''paragraph (5)(A)'' and inserting ''section 430(j)(4)(A)''.

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subparagraph (B)(iii) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(b)(2) (without regard to subparagraph (B) thereof)'' in subparagraph (D) and inserting ''section 412(b)(1), without regard to section 412(b)(2)''.

(D) Section 411 of the 1986 Code is amended—

(i) by striking ''section 412(c)(2)'' in subsection (a)(3)(C) and inserting ''section 412(d)(2)'', and

(ii) by striking ''section 412(e)(2)'' in subsection (d)(6)(A) and inserting ''section 412(d)(2)''.

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

''(I) the sum of the funding target and target normal cost determined under section 430, over''.

(F) Section 4971 of the 1986 Code is amended—

(i) by striking ''required minimum'' in subsection (b)(1) and inserting ''minimum required'',

(ii) by inserting ''or unpaid minimum required contribution, whichever is applicable'' after ''accumulated funding deficiency'' each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking ''section 412(a)(1)(A)'' in subsection (e)(1) and inserting ''section 412(a)(2)''.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

''(g) EFFECTIVE DATES.—

''(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

''(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.''.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting ''to an applicable covered employee'' after ''under the plan''.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking ''has not used'' and inserting ''has not adopted, or ceased using,''.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 305(b)(3)(C) of ERISA is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 305(b)(3)(D) of ERISA is amended by striking ''The Secretary'' in clause (iii) and inserting ''The Secretary of the Treasury, in consultation with the Secretary''.

(C) Section 305(c)(7) of ERISA is amended—

(i) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

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

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.'', and

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

''(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.''.

(D) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'',

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'', and

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

''(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)(C)(iii)—

(I) by striking ''the Secretary'' in subclause (I) and inserting ''the Secretary of the Treasury, in consultation with the Secretary'', and

(II) by striking ''Secretary'' in the last sentence and inserting ''Secretary of the Treasury'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 305(g) of ERISA is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(F) Section 302(b)(3) of ERISA is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(G) Section 502(c)(2) of ERISA is amended by striking ''101(b)(4)'' and inserting ''101(b)(1)''.

(H) Section 502(c)(8)(A) of ERISA is amended by inserting ''plan'' after ''multiemployer''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking ''section 101(b)(4)'' and inserting ''section 101(b)(1)''.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking ''The Secretary of Labor'' and inserting ''The Secretary, in consultation with the Secretary of Labor''.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking ''section 304(d)'' in subparagraph (A)(ii) and inserting ''section 431(d)'', and

(ii) in paragraph (7)—

(I) by striking ''to agree on'' and all that follows in subparagraph (A)(ii) and inserting ''to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,'', and

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

''(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.''.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows ''to adopt a'' in clause (i)(II) and inserting ''to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),'', and

(II) by striking clause (ii) and inserting the following new clause:

''(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.'',

(ii) in paragraph (4)—

(I) by striking ''the date of'' in subparagraph (A)(ii), and

(II) by striking ''and taking'' in subparagraph (B) and inserting ''but taking'',

(iii) in paragraph (6)—

(I) by striking ''paragraph (1)(B)(i)'' and inserting ''the last sentence of paragraph (1)'', and

(II) by striking ''established'' and inserting ''establish'',

(iv) in paragraph (8)—

(I) by striking ''section 204(g)'' in subparagraph (A)(i) and inserting ''section 411(d)(6)'',

(II) by inserting ''of the Employee Retirement Income Security Act of 1974'' after ''4212(a)'' in subparagraph (C)(i)(II),

(III) by striking ''the Secretary of Labor'' in subparagraph (C)(iii)(I) and inserting ''the Secretary, in consultation with the Secretary of Labor'', and

(IV) by striking ''the Secretary of Labor'' in the last sentence of subparagraph (C)(iii) and inserting ''the Secretary'', and

(v) by striking ''an employer's withdrawal liability'' in paragraph (9)(B) and inserting ''the allocation of unfunded vested benefits to an employer''.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended by striking ''section 411(b)(1)(A)'' and inserting ''section 411(a)(9)''.

(F) Section 432(g) of the 1986 Code is amended by inserting ''under subsection (c)'' after ''funding improvement plan'' the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking ''section 412(a)'' in paragraph (3) and inserting ''section 431(a)'', and

(ii) by striking paragraph (9) and inserting the following new paragraph:

''(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

''(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

''(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).''.

(H) Section 412(b)(3) of the 1986 Code is amended by striking ''the plan adopts'' and inserting ''the plan sponsor adopts''.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking ''first day of'' and inserting ''day following the close of'', and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

''(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking ''Section 4971(c)(2) of such Code'' and inserting ''Section 4971(e)(2) of such Code''.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting '', except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year'' before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking ''section 305(b)(3) of the Employee Retirement Income Security Act of 1974'' and inserting ''section 432(b)(3) of the Internal Revenue Code of 1986''.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking ''2008'' and inserting ''2009''.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking ''section 205(g)(3)(B)(iii)(II)'' and inserting ''section 205(g)(3)(A)(ii)(II)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking ''clause (ii)'' and inserting ''subparagraph (C)''.

(B) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

''(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).''.

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking ''1990'' and inserting ''2005''.

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking ''commercial airline'' and inserting ''commercial''.

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (D)''.

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking ''and'' at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

''(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

''(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and''.

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking ''for which the latest annual report filed under section 104(a) was filed'' in subclause (I)(aa) and inserting ''to which the notice relates'', and

(2) by striking subclause (II) and inserting the following new subclause:

''(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),''.

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

''Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).''.

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking ''section 103(f)'' and inserting ''section 101(f)'', and

(ii) striking ''the administrators'' and inserting ''the administrator''.

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting ''funding'' after ''plan's''.

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking ''section 101(f)'' and inserting ''section 104(d)''.

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking ''section 302(d)(2)'' and inserting ''section 303(d)(2)''.

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking ''subsection (a)(2)'' the second place it appears and inserting ''subparagraph (A) or the regulations under subsection (a)(2)''.

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking ''and plan sponsor'' and inserting '', the plan sponsor, or the corporation'', and

(B) by striking ''subparagraph (A)(i)'' and inserting ''subparagraph (A)''.

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking ''regulations prescribed by the Secretary'' and inserting ''such regulations as the Secretary may prescribe'', and

(B) by striking the last sentence and inserting ''The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).'', and

(2) by striking paragraph (2) and inserting the following:

''(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1).''

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

''(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking ''subsection (b)(14)(B)(ii)'' and inserting ''subsection (b)(14)(A)(ii)''.

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking ''financial adviser'' and inserting ''fiduciary adviser''.

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking ''the participant'' each place it appears and inserting ''a participant'', and

(ii) by striking ''section 408(b)(4)'' in clause (ii) and inserting ''subsection (b)(4)''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking ''and that permits'' and inserting ''that permits''.

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking ''subsection (b)(14)'' and inserting ''subsection (d)(17)'',

(ii) in subparagraph (C)(iv)(II), by striking ''subsection (b)(14)(B)(ii)'' and inserting ''(d)(17)(A)(ii)'',

(iii) in subparagraph (F)(i)(I), by striking ''financial adviser'' and inserting ''fiduciary adviser,'',

(iv) in subparagraph (I), by striking ''section 406'' and inserting ''subsection (c)'', and

(v) in subparagraph (J)(i)—

(I) by striking ''the participant'' each place it appears and inserting ''a participant'',

(II) in the matter preceding subclause (I), by inserting ''referred to in subsection (e)(3)(B)'' after ''investment advice'', and

(III) in subclause (II), by striking ''section 408(b)(4)'' and inserting ''subsection (d)(4)''.

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking ''section 4975(c)(3)(B)'' and inserting ''section 4975(e)(3)(B)''.

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking ''or less''.

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking ''party in interest'' and inserting ''disqualified person'', and

(ii) by striking ''subsection (e)(3)(B)'' and inserting ''subsection (e)(3)'',

(B) in paragraphs (19), (20), and (21), by striking ''party in interest'' each place it appears and inserting ''disqualified person'', and

(C) by striking ''or less'' in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting ''of the Employee Retirement Income Security Act of 1974'' after ''section 407(d)(1)'', and

(2) inserting ''of such Act'' after ''section 407(d)(2)''.

(d) AMENDMENTS RELATED TO SECTION 621.—Section 404(c)(1) of ERISA is amended—

(1) by inserting ''(or any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less)'' after ''blackout period'' in subparagraph (A)(ii), and

(2) by inserting the following new sentence at the end of subparagraph (B): ''In the case of any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less, the preceding sentence shall apply to such period if the person referred to in subparagraph (A)(ii) meets the requirements described in the preceding sentence with respect to such period

in the same manner as if it were a blackout period.''

(e) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking ''participant'' each place it appears and inserting ''participant or beneficiary''.

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

''(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,''.

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking ''clause'' in subparagraph (A)(iii) and inserting ''subparagraph'', and

(ii) by inserting ''otherwise'' before ''allowable'' in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking ''paragraph (2)'' in clause (i) and inserting ''subparagraph (B)'',

(ii) by striking clause (ii) and inserting the following new clause:

''(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,'', and

(iii) by striking ''paragraph (3)'' in the matter following clause (ii) and inserting ''subparagraph (C)''.

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

''(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.''.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking ''204(g)'' and inserting ''205(g)''.

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting ''on or'' after ''period'' in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting ''the earlier of'' after ''before'' in the matter preceding subparagraph (A), and

(II) by striking ''earlier'' and inserting ''later'' in subparagraph (A),

(iii) by inserting ''on or'' before ''after'' each place it appears in paragraph (5), and

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

''(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

''(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

''(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.''.

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking ''430(g)(2)'' in paragraph (2)(A)(ii) and inserting ''430(g)(3)'', and

(B) by striking ''412(f)(4)'' in paragraph (4)(B) and inserting ''412(d)(3)''.

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking ''the plan's funding shortfall determined under section 430'' in the last sentence and inserting ''the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))''.

(b) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

''(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

''(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

''(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.''.

(c) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second ''an'' before ''eligible'',

(B) by striking ''other than a Roth IRA'', and

(C) by adding at the end the following new flush sentence:

''This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A).''

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking ''(other than a Roth IRA)'' and by inserting at the end the following new sentence: ''This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)''.

(d) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting ''on or'' before ''before''.

(e) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting ''described in paragraph (8)(B)(iii)'' after ''eligible retirement plan'' in subparagraph (A), and

(B) by striking ''trust'' before ''designated beneficiary'' in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''Such term shall include any distribution which is treated as an eligible rollover distribution by reason of section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B).''

(B) Clause (i) of section 402(c)(11) of the 1986 Code is amended by striking ''for purposes of this subsection''.

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(f) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(g) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (B)(ii)''.

(h) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: ''In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C).''

(2) Section 420(f)(2) of the 1986 Code is amended by striking ''such'' before ''the applicable'' in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any transfer described in section 420(f)(2)(B)(ii)(II).''.

(i) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting ''maintained by the employer described in paragraph (4)(B)'' after ''an eligible retirement plan'', and

(ii) by striking ''of the employee, his spouse, or dependents (as defined in section 152)'' ,

(B) in paragraph (4)(D), by—

(i) inserting ''(as defined in section 152)'' after ''dependents'', and

(ii) striking ''health insurance plan'' and inserting ''health plan'', and

(C) in paragraph (5)(A), by striking ''health insurance plan'' and inserting ''health plan''.

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking ''all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

(j) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking ''or special trial judge''.

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking ''or special trial judge''.

(k) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the

amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(l) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking ''Reconciliation''.

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

''(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

''(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

''(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.''.

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking ''such compensation as exceeds 1 percent but does not'' and inserting ''such contributions as exceed 1 percent but do not''.

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking ''an erroneous automatic contribution'' and inserting ''a permissible withdrawal'', and

(B) by striking ''ERRONEOUS AUTOMATIC CONTRIBUTION'' in the heading and inserting ''PERMISSIBLE WITHDRAWAL''.

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting ''through the end of such taxable year'' after ''such amount''.

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting ''and'' after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

''(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

''(E) a simple retirement account (as defined in section 408(p)).''.

(6) Section 414(w)(6) of the 1986 Code is amended by inserting ''or for purposes of applying the limitation under section 402(g)(1)'' before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.''

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: ''In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.'', and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking ''paragraph (1)'' and inserting ''paragraph (10)''.

(2) Section 4021(b) of ERISA is amended by inserting ''or'' at the end of paragraph (12), by striking ''; or'' at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

''(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

''(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

''(B) The spouse or former spouse attains age 62.

''(C) The employee attains age 62 (or if deceased, would have attained age 62).

''(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

''(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.''.

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking ''Act'' the first place it appears and inserting ''section''.

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting '', and'',

(D) by striking ''(15)'' and inserting ''(15)(A) subject to subparagraph (B),'', and

(E) by adding at the end the following:

''(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;'', and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking ''paragraph'' each place it appears in clauses (ii), (iii), and (v)(I) and inserting ''subparagraph'',

(2) striking ''subclause (i)(II)'' in clause (iii) and inserting ''clause (i)(II)'',

(3) striking ''subparagraph'' in clause (v)(II) and inserting ''clause'', and

(4) by striking ''section 101(b)(4)'' in clause (v)(III) and inserting ''section 101(b)(1)''.

SEC. 13. AMENDMENT RELATED TO TITLE XII.

Section 408(d)(8)(D) of the 1986 Code is amended by striking ''all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72'' and inserting ''all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible''.

SEC. 14. OTHER PROVISIONS.

(a) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.''.

(2) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: ''Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.''.

(b) AMENDMENTS RELATED TO SECTION 1004.—

(1) AMENDMENT OF ERISA.—Paragraph (2) of section 205(d) of ERISA is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (B), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

''(i) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) of the Internal Revenue Code of 1986 or aggregated under subsection (b), (c), (m), or (o) of section 414 of such Code with an organization that is exempt from tax under section 501(a) of such Code,

''(ii) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

''(iii) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.''.

(2) AMENDMENT OF 1986 CODE.—Subsection (g) of section 417 of the 1986 Code is amended by adding at the end the following:

''(3) ALTERNATIVE METHOD OF COMPLIANCE.—Notwithstanding paragraph (2), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

''(A) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) or aggregated under subsection (b), (c), (m), or (o) of section 414 with an organization that is exempt from tax under section 501(a),

''(B) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

''(C) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.''.

SEC. 15. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

MEASURES DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged en bloc from consideration of the following and that the Senate then proceed en bloc to their consideration: S. 2478, H.R. 3470, H.R. 3569, H.R. 3974, and H.R. 4009.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the bills be read a third time, passed, the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the record with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE

The bill (S. 2478) to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office'', was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2478

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

SECTION 1. CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, shall be known and designated as the ''Captain Jonathan D. Grassbaugh Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Captain Jonathan D. Grassbaugh Post Office''.

JOHN SIDNEY 'SID' FLOWERS POST OFFICE BUILDING

The bill (H.R. 3470) to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the ''John Sidney 'Sid' Flowers Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

BEATRICE E. WATSON POST OFFICE BUILDING

The bill (H.R. 3569) to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

MARINE CORPS CORPORAL STEVEN P. GILL POST OFFICE BUILDING

The bill (H.R. 3974) 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,'' was considered, ordered to a third reading, read the third time, and passed.

TURRILL POST OFFICE BUILDING

A bill (H.R. 4009) to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building,'' was considered, ordered to a third reading, read the third time, and passed.

GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

NEAL SMITH FEDERAL BUILDING

Mr. REID. Mr. President, I ask unanimous consent the Environment and Public Works Committee be discharged en bloc from consideration of the following and the Senate then proceed en bloc to their consideration: H.R. 2011 and H.R. 1045.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent the bills be read a third time, passed, the motions to reconsider be laid on the table en bloc, and that the consideration of these items appear separately in the RECORD with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills (H.R. 2011 and H.R. 1045) were ordered to be read a third time, were read the third time and passed, en bloc.

TO AMEND THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 3571.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3571) to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3571) was ordered to be read a third time, was read the third time and passed.

COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 3432 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3432) to establish the Commission on the Abolition of the Transatlantic Slave Trade.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent a Lautenberg amendment at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3892) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations)

On page 15, strike lines 3 through 5.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3432), as amended, was read the third time and passed.

COMMEMORATING THE 25TH ANNIVERSARY OF THE AIR FORCE SPACE COMMAND

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration and the Senate proceed to S. Res 389.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

There being no objection, the Senate proceeded to consider the resolution.

U.S. AIR FORCE SPACE COMMAND

Mr. ALLARD. Mr. President, this year marks the 25th anniversary of the U.S. Air Force Space Command. In 1982, the U.S. Air Force created the U.S. Air Force Space Command to defend North America through its space and intercontinental ballistic operations. Since its creation, Air Force Space Command has become a leader in defense capabilities. They provide a significant portion of U.S. Strategic Command's warfighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities. They now monitor space radars providing vital information on the location of satellites and space debris for the Nation and the world.

Today, nearly 25 years after the establishment of U.S. Air Force Space Command, space plays an even more important role in national security. The current war on terror requires extensive use of space-based communications, GPS and meteorological data to effectively prosecute military operations. The United States relies on space for warfighting capabilities, missile defense, and strategic deterrence. Air Force Space Command has been a leader in this area and remains a critical component of national security.

I would also like to recognize the men and women of Air Force Space Command. Their hard work and dedication provide vital support to our military and the security of this Nation. They have been instrumental in disaster relief and homeland defense. I thank them for their service to the Nation.

Mr. President, I am proud ask that the Senate unanimously pass this resolution today recognizing the contributions and achievements of Air Force Space Command over the past 25 years.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 389

Whereas, on September 1, 1982, the United States Air Force created the United States Air Force Space Command to defend North America through its space and intercontinental ballistic missile operations;

Whereas 2007 marks the 25th year of excellence and service of Air Force Space Command to the United States of America;

Whereas the mission of Air Force Space Command is to deliver trained and ready airmen with unrivaled space capabilities to defend the United States;

Whereas Air Force Space Command organizes, trains, and equips forces to supply combatant commanders with the space and intercontinental ballistic missile capabilities to defend the United States and its national interests;

Whereas Air Force Space Command's ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America;

Whereas Air Force Space Command provides a significant portion of United States Strategic Command's war fighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities;

Whereas Air Force Space Command space radar provide vital information on the location of satellites and space debris for the Nation and the world;

Whereas the current war on terror requires extensive use of space-based communications, global positioning systems, and meteorological data to effectively prosecute military operations;

Whereas Air Force Space Command provides war fighters with ''high ground'' through satellite communications and positioning and timing data for ground and air operations and weapons delivery;

Whereas Air Force Space Command deployed helicopters to the Gulf Coast region during the aftermath of Hurricane Katrina to deliver meals, water, and medical supplies and to conduct search and rescue operations;

Whereas the work done by the men and women of Air Force Space Command is vital to our military, making the Nation more combat effective and helping save lives every day; and

Whereas Air Force Space Command advocates space capabilities and systems for all unified commands and military services, and collectively provides space capabilities America needs today and in the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by Air Force Space Command to the security of the United States; and

(2) commemorates Air Force Space Command's 25 years of excellence and service to the Nation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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.

MAKING TECHNICAL CORRECTIONS TO THE INTERNAL REVENUE CODE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4839.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4839) to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, in connection with H.R. 4839, the Tax Technical Corrections Act of 2007, the nonpartisan Joint Committee on Taxation is making available to the public a document that contains a technical explanation of the bill. This technical explanation expresses the Senate Finance Committee's understanding of the tax and other provisions of the bill and serves as a useful reference in understanding the legislative intent behind this important legislation.

I ask unanimous consent to have this technical explanation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. TAX TECHNICAL CORRECTIONS ACT OF 2007

The bill includes technical corrections to recently enacted tax legislation. Except as otherwise provided, the amendments made by the technical corrections contained in the bill take effect as if included in the original legislation to which each amendment relates.

Amendment Related to the Tax Relief and Health Care Act of 2006

Individuals with long-term unused credits under the alternative minimum tax (Act sec. 402 of Division A).—Under present law, an individual's minimum tax credit allowable for any taxable year beginning after December 20, 2006, and before January 1, 2013, is not less than the ''AMT refundable credit amount.'' The AMT refundable credit amount is the greater of (1) the lesser of $5,000 or the long-term unused minimum tax credit, or (2) 20 percent of the long-term unused minimum tax credit. The long-term unused minimum tax credit for any taxable year means the portion of the minimum tax credit attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding the taxable year (assuming the credits are used on a first-in, first-out basis). In the case of an individual whose adjusted gross income for a taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount is reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)). The additional credit allowable by reason of this provision is refundable.

The provision amends the definition of the AMT refundable credit amount. The provision provides that the AMT refundable credit amount (before any reduction by reason of adjusted gross income) is an amount (not in excess of the long-term unused minimum tax

credit) equal to the greater of (1) $5,000, (2) 20 percent of the long-term unused minimum tax credit, or (3) the AMT refundable credit amount (if any) for the prior taxable year (before any reduction by reason of adjusted gross income).

The provision may be illustrated by the following example: Assume an individual, whose adjusted gross income for all taxable years is less than the threshold amount, has a long-term unused minimum tax credit for 2007 of $100,000 and has no other minimum tax credits. The individual's AMT refundable credit amount under present law is $20,000 in 2007, $16,000 in 2008, $10,240 in 2009, $8,192 in 2010, $6,554 in 2011, and $5,243 in 2012. Under the provision, the individual's AMT refundable credit amount is $20,000 for 2007 (as under present law), and in each of the taxable years 2008 thru 2011 the AMT refundable credit amount is also $20,000. The minimum tax credit in 2012 is zero.

Amendments Related to Title XII of the Pension Protection Act of 2006 (Provisions Relating to Exempt Organizations)

Tax-free distributions from individual retirement plans for charitable purposes (Act sec. 1201).—Under the provision, when determining the portion of a distribution that would otherwise be includible in income, the otherwise includible amount is determined as if all amounts were distributed from all of the individual's IRAs.

Contributions of appreciated property by S corporations (Act sec. 1203).—Under present law (sec. 1366(d)), the amount of losses and deductions which a shareholder of an S corporation may take into account in any taxable year is limited to the shareholder's adjusted basis in his stock and indebtedness of the corporation. The provision provides that this basis limitation does not apply to a contribution of appreciated property to the extent the shareholder's pro rata share of the contribution exceeds the shareholder's pro rata share of the adjusted basis of the property. Thus, the basis limitation of section 1366(d) does not apply to the amount of deductible appreciation in the contributed property. The provision does not apply to contributions made in taxable years beginning after December 31, 2007.

For example, assume that in taxable year 2007, an S corporation with one shareholder makes a charitable contribution of a capital asset held more than one year with an adjusted basis of $200 and a fair market value of $500. Assume the shareholder's adjusted basis of the stock (as determined under section 1366(d)(1)(A)) is $300. For purposes of applying the limitation under section 1366(d) to the contribution, the limitation does not apply to the $300 of appreciation and since the $300 adjusted basis of the stock exceeds the $200 adjusted basis of the contributed property, the limitation does not apply at all to the contribution. Thus, the shareholder is treated as making a $500 charitable contribution. The shareholder reduces the basis of the S corporation stock by $200 to $100 (pursuant to section 1367(a)(2)).

Recapture of tax benefit for charitable contributions of exempt use property not used for an exempt use (Act sec. 1215).—The Act permits a charitable deduction in the amount of the fair market value (not the donor's basis) for tangible personal property if an officer of the donee organization certifies upon disposition of the donated property that the use of the property was related to the purpose or function constituting the basis of the donee's tax-exempt status. It was not intended that the donee's use, though so related, not also be substantial. The provision adds to the certification requirement that the officer certify that use of the property by the donee was substantial.

Contributions of fractional interests in tangible personal property (Act sec. 1218).—The Act added an income tax provision providing for treatment of contributions of fractional interests in tangible personal property. A special valuation rule is provided under this rule that creates unintended consequences under the estate and gift tax. The provision therefore strikes the special valuation rule for estate and gift tax purposes.

Time for assessment of penalty relating to substantial and gross valuation misstatements attributable to incorrect appraisals (Act section 1219).—Section 1219 of the Act added a penalty for substantial and gross valuation misstatements attributable to incorrect appraisals (Code sec. 6695A). First, the Act omitted to apply the penalty with respect to substantial valuation misstatements for estate and gift tax purposes, and the provision clarifies that the penalty applies for such purposes. Second, in the cross references for the penalty, the language of Code section 6696(d)(1), relating to the time period for assessment of the penalty, was not properly described. The provision adds a cross reference to section 6695A in section 6696(d).

Expansion of the base of tax on private foundation net investment income (Act sec. 1221).—The Act expands the base of the tax on net investment income of private foundations.

The provision clarifies that capital gains from appreciation are included in this tax base. This clarification conforms the statutory language to the technical explanation.

Public disclosure of information relating to unrelated business income tax returns (Act sec. 1225).—The Act added a provision requiring that section 501(c)(3) organizations make publicly available their unrelated business income tax returns. However, as drafted, the requirement that, with respect to a Form 990, an organization make publicly available only the last three years of returns (sec. 6104(d)(2)) does not apply to disclosure of Form 990–T, because Form 990–T is required by section 6011, not by section 6033. The provision clarifies that the 3-year limitation on making returns publicly available applies to Form 990–T. The provision clarifies that the IRS is required to make Form 990–T publicly available, subject to redaction procedures applicable to Form 990 under section 6104(b).

Donor advised funds (Act 1231).—The Act imposed excise taxes in the event of certain taxable distributions (Code sec. 4966) and on the provision of certain prohibited benefits (sec. 4967), but does not cross refer to these provisions in the section 4962 definition of qualified first tier taxes for purposes of tax abatement (though a cross reference to them is included in section 4963). The provision adds a cross reference to them in Code section 4962 (relating to abatement).

Excess benefit transactions involving supporting organizations (Act sec. 1242).—New Code section 4958(c)(3) provides that certain transactions involving supporting organizations are treated as excess benefit transactions for purposes of the intermediate sanctions rules. Under the Code, certain organizations described in Code sections 501(c)(4), (5) or (6) are treated as supported organizations, although they are not public charities or safety organizations. The provision provides that the excess benefit transaction rules of the Act generally do not apply to transactions between a supporting organization and its supported organization that is described in section 501(c)(4), (5), or (6).

Amendments Related to the Tax Increase Prevention and Reconciliation Act of 2005

Look-through treatment and regulatory authority (Act sec. 103(b)).—Under the Act, for taxable years beginning after 2005 and before 2009, dividends, interest (including factoring income which is treated as equivalent to interest under sec. 954(c)(1)(E)), rents, and royalties received by one controlled foreign corporation (''CFC'') from a related CFC are not treated as foreign personal holding company income to the extent attributable or properly allocable to non-subpart F income of the payor (the ''TIPRA look-through rule'').

The provision clarifies the treatment of deficits in earnings and profits. Under the provision, the TIPRA look-through rule does not apply to any interest, rent, or royalty to the extent that such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another CFC. The provision parallels the rule applicable to interest, rents, or royalties that would otherwise qualify for exclusion from foreign personal holding company income under the ''same country'' exception (sec. 954(c)(3)(B)). Thus interest, rents, and royalties will be treated as subpart F income, notwithstanding the general TIPRA look-through rule, if the payment creates or increases a deficit of the payor corporation and that deficit is from an activity that could reduce the payor's subpart F income under the accumulated deficit rule (sec. 952(c)(1)(B)), or could reduce the income of a qualified chain member under the chain deficit rule (sec. 952(c)(1)(C)). For example, under the provision, items that do not qualify for the ''same country'' exception because they meet the terms of section 954(c)(3)(B) will also not qualify under the TIPRA look-through rule.

Modification of active business definition under section 355 (Act sec. 202).—The provision revises Code sections 355(b)(2)(A) and 355(b)(3) to reflect that the provision modifying the active business definition that was enacted by section 202 of the Act was made permanent by section 410 of the Tax Relief and Health Care Act of 2006. Conforming amendments are made as a result of this change.

The provision clarifies that if a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) is treated for purposes of section 355(b)(2) as acquired in a transaction in which gain or loss was recognized in whole or in part. Accordingly, such an acquisition is subject to the provisions of section 355(b)(2)(C), and may qualify as an expansion of an existing active trade or business conducted by the distributing corporation or the controlled corporation, as the case may be.

The provision clarifies that the Treasury Department shall prescribe regulations that provide for the proper application of sections 355(b)(2)(B), (C), and (D) in the case of any corporation that is tested for active business under the separate affiliated group rule, and that modify the application of section 355(a)(3)(B) in the case of such a corporation in a manner consistent with the purposes of the provision.

The provision further clarifies that the rule regarding the application of the new rules to determine the continued qualification under section 355 of a distribution that occurred before the effective date of the new rules, shall apply only if such application results in continued qualification and is not intended to require application of the new rules in a manner that would disqualify any distribution that satisfied the active business requirements of section 355 under prior law that was applicable to the distribution.

Computation of tax for individuals with income excluded under the foreign earned income exclusion (Act sec. 515).—The provision clarifies that in computing the tentative minimum tax on nonexcluded income, the computation of tax is made before reduction for the alternative minimum tax foreign tax credit. This conforms the computation of the tentative minimum tax to the computation of the regular tax, so that both computations are made before the application of the foreign tax credit.

The provision also corrects an error in present law in the case where a taxpayer has net capital gain in excess of taxable income. Under the provision, if a taxpayer's net capital gain (within the meaning of section 1(h)) exceeds taxable income, in computing the tax on the taxable income as increased by the excluded income, the amount of net capital gain which otherwise be taken into account is reduced by the amount of that excess. The excess first reduces the amount of net capital gain without regard to qualified dividend income, and then qualified dividend income. Also, in computing adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain, the amount of the excess is treated in the same manner as an increase in the long-term capital loss carried to the taxable year.

Similar rules apply in computing the tentative minimum tax where a taxpayer's net capital gain exceeds the taxable excess.

The provision is effective for taxable years beginning after December 31, 2006.

The following examples illustrate the provision:

Example 1.—For taxable year 2007, an unmarried individual has $80,000 excluded from gross income under section 911(a), $30,000 gain from the sale of a capital asset held more than one year, and $20,000 deductions. The taxpayer's taxable income is $10,000. Under the provision, the regular tax is the excess of (i) the amount of tax computed under section 911(f)(1)(A)(i) on taxable income of $90,000 ($10,000 taxable income plus $80,000 excluded income), over (ii) the amount of tax computed under section 911(f)(1)(A)(ii) on taxable income of $80,000 (excluded income). In applying section 1(h) to determine the tax under section 911(f)(1)(A)(i), the net capital gain and the adjusted net capital gain are each $10,000. The regular tax is $1,500, which is equal to a tax at the rate of 15 percent on $10,000 of adjusted net capital gain.

Example 2.—For taxable year 2007, an unmarried individual has $90,000 excluded from gross income under section 911(a), $5,000 gain from the sale of a capital asset held more than one year, $25,000 unrecaptured section 1250 gain, and $20,000 deductions. The taxpayer's taxable income is $10,000. Under the provision, the regular tax is the excess of (i) the amount of tax computed under section 911(f)(1)(A)(i) on taxable income of $100,000 ($10,000 taxable income plus $90,000 excluded income), over (ii) the amount of tax computed under section 911(f)(1)(A)(ii) on taxable income of $90,000 (excluded income). In applying section 1(h) to determine the tax under section 911(f)(1)(A)(i), the net capital gain is $10,000. $5,000 is unrecaptured section 1250 gain ($25,000 less $20,000) and $5,000 is adjusted net capital gain. The regular tax is $2,000, which is equal to a tax at the rate of 15 percent on $5,000 of adjusted net capital gain and a tax at the rate of 25 percent on $5,000 of unrecaptured section 1250 gain.

Amendments Related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

Timing of claims for excess alternative fuel (not in a mixture) credit (Act sec. 11113).—Present law provides that the alternative fuel (not in a mixture) credit is refundable. Code section 6427(i)(3) permits claims to be filed on a weekly basis with respect to alcohol, biodiesel, and alternative fuel mixtures if certain requirements are met. This rule, however, does not refer to the alternative fuel credit (for alternative fuel not in a mixture). The provision clarifies that the same rules for filing claims with respect to fuel mixtures apply to the alternative fuel credit.

Definition of alternative fuel (Act sec. 11113).—Code section 6426(d)(2) defines alternative fuel to include ''liquid hydrocarbons from biomass'' for purposes of the alternative fuel excise tax credit and payment provisions under sections 6426 and 6427. The statute does not define liquid hydrocarbons, which has led to questions as to whether it is permissible for such a fuel to contain other elements, such as oxygen, or whether the fuel must consist exclusively of hydrogen and carbon. It was intended that biomass fuels such as fish oil, which is not exclusively made of hydrogen and carbon, qualify for the credit. The provision changes the reference in section 6426 from ''liquid hydrocarbons'' to ''liquid fuel'' for purposes of the alternative fuel excise tax credit and payment provisions.

Amendments Related to the Energy Policy Act of 2005

Credit for production from advanced nuclear power facilities (Act sec. 1306).—The provision clarifies that the national capacity limitation of 6,000 megawatts represents the total number of megawatts that the Secretary has authority to allocate under section 45J.

Clarify limitation on the credit of installing alternative fuel refueling property (Act sec. 1342).—The present-law credit for qualified alternative fuel vehicle refueling property for a taxable year is limited to $30,000 per property subject to depreciation, and $1,000 for other property (sec. 30C(b)). The provision clarifies that the $30,000 and $1,000 limitations apply to all alternative fuel vehicle refueling property placed in service by the taxpayer at a location. The provision is consistent with similar deduction limitations imposed under section 179A(b)(2)(A) (relating to the deduction for clean-fuel vehicles and certain refueling property).

In addition, Code section 30C(c)(1) provides that qualified alternative fuel vehicle refueling property has the meaning given to the term by section 179A(d). However, section 179A(d) defines a different term. The provision modifies the language of section 30C(c)(1) to refer to the correct term.

Clarify that research eligible for the energy research credit is qualified research (Act sec. 1351).—The energy research credit is available with respect to certain amounts paid or incurred to an energy research consortium. The provision clarifies that the credit is available with respect to such amounts paid or incurred to an energy research consortium provided they are used for energy research that is qualified research.

Double taxation of rail and inland waterway fuel resulting from the use of dyed fuel on which the Leaking Underground Storage Tank Trust Fund tax has already been imposed; off-highway business use (Act sec. 1362).—Section 4081(a)(2)(B) of the Code imposes tax at the Leaking Underground Storage Tank Trust Fund financing tax rate of 0.1 cent per gallon on diesel fuel at the time it is removed from a terminal. Section 4082(a) provides that none of the generally applicable exemptions other than the exemption for export apply to this removal even if the fuel is dyed. When dyed fuel is used or sold for use in a diesel powered highway vehicle or train (sec. 4041), or such fuel is subject to the inland waterway tax (sec. 4042), the Code inadvertently imposes the Leaking Underground Storage Tank Trust Fund tax a second time. Section 6430 prohibits the refund of taxes imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuel destined for export. The provision eliminates the imposition of the 0.1 cent tax a second time if the Leaking Underground Storage Tank Trust Fund financing tax rate previously was imposed under section 4081. The provision permits a refund in the amount of the Leaking Underground Storage Tank Trust Fund financing rate if such tax was imposed a second time under 4041 or 4042 from October 1, 2005 through the date of enactment. The provision also clarifies that off-highway business use is not exempt from the Leaking Underground Storage Tank Trust Fund Financing rate. For administrative reasons associated with collecting the tax, the off-highway business use clarification is effective for fuel sold for use or used after the date of enactment.

Exemption from the Leaking Underground Storage Tank Trust Fund financing rate for aircraft and vessels engaged in foreign trade (Act sec. 1362).—Fuel supplied in the United States for use in aircraft engaged in foreign trade is exempt from U.S. customs duties and internal revenue taxes, so long as, where the aircraft is registered in a foreign State, the State of registry provides substantially reciprocal privileges for U.S.-registered aircraft. However, the Energy Policy Act of 2005 imposed, without exemption, the Leaking Underground Storage Tank Trust Fund financing rate on all taxable fuels, except in the case of export. As a result, aviation fuel is no longer exempt from the Leaking Underground Storage Tank Trust Fund financing rate. According to the State Department, almost all of the United States' bilateral air services agreements contain provisions exempting from taxation all fuel supplied in the territory of one party for use in the aircraft of the other party. The United States has interpreted these provisions to prohibit the taxation, in any form, of aviation fuel supplied in the United States to the aircraft of airlines of the foreign countries that are parties to these air services agreements. The amendment provides that fuel for use in vessels (including civil aircraft) employed in foreign trade or trade between the United States and any of its possessions is exempt from the Leaking Underground Storage Tank Trust Fund financing rate.

Amendments Related to the American Jobs Creation Act of 2004

Interaction of rules relating to credit for low sulfur diesel fuel (Act sec. 339).—Section 45H of the Code allows a credit at the rate of 5 cents per gallon for low sulfur diesel fuel produced at certain small business refineries. The aggregate credit with respect to any refinery is limited to 25 percent of the costs of the type deductible under section 179B of the Code. Section 179B allows a deduction for 75 percent of certain costs paid or incurred with respect to these refineries. The basis of the property is reduced by the amount of any credit determined with respect to any expenditure (sec. 45H(d)). Further, no deduction is allowed for the expenses otherwise allowable as a deduction in an amount equal to the amount of the credit under section 45H (sec. 280C(d)). The interaction of these provisions is unclear, and the basis reduction and deduction denial rules may have an unintentionally duplicative effect. Under the provision, deductions are denied in an amount equal to the amount of the credit under section 45H, and the provisions of present law reducing basis and denying a deduction are repealed.

Eliminate the open-loop biomass segregation requirement in section 45(c)(3)(A)(ii) (Act sec. 710).—For purposes of the credit for electricity produced from certain renewable resources, section 45(c)(3)(A)(ii) defines open-loop biomass to include any solid, nonhazardous, cellulosic waste material or any lignin material that is segregated from other waste materials, and that meets other requirements. The Act added municipal solid waste to the category of qualified energy resources giving rise to the credit. Thus, both open-loop biomass and municipal solid waste can be treated as qualified energy resources. The provision therefore strikes the requirement that open-loop biomass be segregated from other waste materials in order to be treated as qualified energy resources.

Clarification of proportionate limitation applicable to closed-loop biomass (Act sec. 710).—Section 45(d)(2)(B)(ii) provides that when closed-loop biomass is co-fired with other fuels, the credit is limited to the otherwise allowable credit multiplied by the ratio of the thermal content of the closed-loop biomass to the thermal content of all fuel used. This limitation duplicates a similar limitation in section 45(a), which provides that the credit is equal to 1.5 cents multiplied by the kilowatt hours of electricity produced by the taxpayer from qualified energy resources (and meeting other criteria). The present-law section 45(a) rule has the effect of limiting the credit (or duration of the credit) to the appropriate portion of the fuel that constitutes qualified energy resources, in the situations in which qualified energy resources are permitted to be co-fired with each other, or are permitted to be co-fired with other fuels. The provision clarifies that the limitation applies only once, not twice, to closed-loop biomass co-fired with other fuels, by striking the duplicate limitation in section 45(d)(2)(B)(ii).

Treatment of partnerships under the limitation on deductions allocable to property used by governments or other tax-exempt entities (Act sec. 848).—Code section 470 generally applies loss deferral rules in the case of property leased to tax-exempt entities. This rule applies with respect to tax-exempt use property, which for this purpose generally has the meaning given to the term by section 168(h) (with exceptions specified in section 470(c)(2)). The manner of application of section 470 in the case of property owned by a partnership in which a tax-exempt entity is a partner is unclear.

The provision provides that tax-exempt use property does not include any property that would be tax-exempt use property solely by reason of section 168(h)(6). The provision refers to section 7701(e) for circumstances in which a partnership is treated as a lease to which section 168(h) applies. Thus, if a partnership is recharacterized as a lease pursuant to section 7701(e), and a provision of section 168(h) (other than section 168(h)(6)) applies to cause the property characterized as leased to be treated as tax-exempt use property, then the loss deferral rules of section 470 apply.

Under section 7701(e)(2), a partnership may be treated as a lease, taking into account all relevant factors, including factors similar to those set forth in section 7701(e)(1) (relating to service contracts treated as leases). In the case of property of a partnership in which a tax-exempt entity is a partner, factors similar to those in section 7701(e)(1) (and in the legislative history of that section) that are relevant in determining whether a partnership is properly treated as a lease of property held by the partnership include (1) a tax-exempt partner maintains physical possession or control or holds the benefits and burdens of ownership with respect to such property, (2) there is insignificant equity investment by any taxable partner, (3) the transfer of such property to the partnership does not result in a change in use of such property, (4) such property is necessary for the provision of government services, (5) a disproportionately large portion of the deductions for depreciation with respect to such property are allocated to one or more taxable partners relative to such partner's risk of loss with respect to such property or to such partner's allocation of other partnership items, and (6) amounts payable on behalf of the tax-exempt partner relating to the property are defeased or funded by set-asides or expected set-asides. It is intended that Treasury regulations or guidance may provide additional factors that can be taken into account in determining whether a partnership with taxable and tax-exempt partners is an arrangement that resembles a lease of property under which section 470 defers the allowance of losses.

The provision is effective as if included in the provision of the American Jobs Creation Act of 2004 to which it relates. It is not intended that the provision supercede the rules set forth by the Treasury Department in Notice 2005–29, 2005–13 I.R.B. 796, Notice 2006–2, 2006–2 I.R.B. 1, and Notice 2007–4, 2007–1 I.R.B. 260, with respect to the application of section 470 in the case of partnerships for taxable years of partnerships beginning in 2004, 2005, and 2006. These notices state that the Internal Revenue Service will not apply section 470 to disallow losses associated with property that is treated as tax-exempt use property solely as a result of the application of section 168(h)(6), and that abusive transactions involving partnerships an other pass-through entities remain subject to challenge by the Internal Revenue Service under other provisions of the tax law. Accordingly, for partnership taxable years beginning in 2004, 2005, and 2006, the Internal Revenue Service may apply section 470 to a partnership that would be treated as a lease under section 7701(e)(2).

Treatment of losses on positions in identified straddles (Act sec. 888).—Under Code section 1092, the term ''straddle'' means offsetting positions in actively traded personal property. Generally, a loss on a position in a straddle may be recognized only to the extent the amount of the loss exceeds the unrecognized gain (if any) in offsetting positions in the straddle (sec. 1092(a)(1)(A)). Special rules for identified straddles provide a different treatment of losses and also provide that any position that is not part of an identified straddle is not treated as offsetting with respect to any position that is part of the identified straddle. A taxpayer is permitted to treat a straddle as an identified straddle only if, among other requirements, the straddle is not part of a larger straddle.

Before the enactment of the Act, the rules for treating a straddle as an identified straddle required that all the positions of the straddle were acquired on the same day and either that all of the positions were disposed of on the same day in a taxable year or that none of the positions were disposed of as of the close of the taxable year. A loss on a position in an identified straddle was not subject to the loss deferral rule described above but instead was taken into account when all the positions making up the straddle were disposed of.

The Act changed the rules for identified straddles by providing, among other things, that if there is a loss on a position in an identified straddle, the loss is applied to increase the basis of the offsetting positions in that identified straddle. Under section 1092(a)(2)(A)(ii), the basis of each offsetting position in an identified straddle is increased by an amount that equals the product of the amount of the loss multiplied by the ratio of the amount of unrecognized straddle period gain in that offsetting position to the aggregate amount of unrecognized straddle period gain in all offsetting positions. The Act also provided that any loss described in section 1092(a)(2)(A)(ii) is not otherwise taken into account for Federal tax purposes.

The Act left unclear the treatment of a loss on a position in an identified straddle in at least two circumstances: first, when there are no offsetting positions in the identified straddle with unrecognized straddle period gain, and, second, when an offsetting position in the identified straddle is or has been a liability to the taxpayer.

The provision addresses the treatment of losses in these two circumstances. In general, the provision reaffirms that a loss on a position in an identified straddle is not permitted to be recognized currently and also is not permanently disallowed.

The provision provides that if the application of section 1092(a)(2)(A)(ii) does not result in a basis increase in any offsetting position in the identified straddle (because there is no unrecognized straddle period gain in any offsetting position), the basis of each offsetting position in the identified straddle must be increased in a manner that (1) is reasonable, is consistent with the purposes of the identified straddle rules, and is consistently applied by the taxpayer, and (2) allocates to offsetting positions the full amount of the loss (but no more than the full amount of the loss). At the time a taxpayer adopts an allocation method under this rule, the taxpayer is expected to describe that method in its books and records.

Under the provision, unless the Secretary of the Treasury provides otherwise, similar rules apply for purposes of the identified straddle rules when there is a loss on a position in an identified straddle and an offsetting position in the identified straddle is or has been a liability or an obligation (including, for instance, a debt obligation issued by the taxpayer, a written option, or a notional principal contract entered into by the taxpayer). Under this rule, if a taxpayer, for example, receives $1 to enter into a five-year short forward contract and the next day $100 of loss is allocated to that position, the resulting basis of the contract is $99.

Under present law, a straddle is treated as an identified straddle only if, among other requirements, it is clearly identified on the taxpayer's records as an identified straddle before the earlier of (1) the close of the day on which the straddle is acquired, or (2) a time that the Secretary of the Treasury may prescribe by regulations. The provision clarifies that for purposes of this identification requirement, a straddle is clearly identified only if the identification includes an identification of the positions in the straddle that are offsetting with respect to other positions in the straddle. Consequently, taxpayers are required to identify not only the positions that make up an identified straddle but also which positions in that identified straddle are offsetting with respect to one another. The offsetting positions identification requirement added by the provision is effective for straddles acquired after the date of enactment.

The provision provides that regulations or other guidance prescribed by the Secretary for carrying out the purposes of the identified straddle rules may include the rules for the application of section 1092 to a position that is or has been a liability or an obligation. Regulations or other guidance also may include safe harbor basis allocation methods that satisfy the requirements that an allocation other than under section 1092(a)(2)(A)(ii) must be reasonable, consistent with the purposes of the identified straddle rules, and consistently applied by the taxpayer.

Amendments Related to the Economic Growth Tax Relief Reconciliation Act of 2001

Application of special elective deferral limit to designated Roth contributions (Act sec. 617).—Code section 402(g)(7) provides a special rule allowing certain employees to make additional elective deferrals to a tax-sheltered annuity, subject to (1) an annual limit of $3,000, and (2) a cumulative limit of $15,000 minus the amount of additional elective deferrals made in previous years under the special rule. Present law provides a rule to coordinate the cumulative limit with the ability to make designated Roth contributions, but inadvertently reduces the $15,000 amount by all designated Roth contributions made in previous years. The provision clarifies that the $15,000 amount is reduced only by additional designated Roth contributions made under the special rule.

Application of FICA taxes to designated Roth contributions (Act sec. 617).—Under Code section 3121(v)(1)(A), elective deferrals are included in wages for purposes of social security and Medicare taxes. The provision clarifies that wage treatment applies also to elective deferrals that are designated as Roth contributions.

Amendments Related to the Tax Relief Extension Act of 1999

Renewable electricity sold to utilities under certain contracts (Act sec. 507).—Code section 45(e)(7) provides that a wind energy facility placed in service by the taxpayer after June 30, 1999, does not qualify for the section 45 production tax credit if the electricity generated at the facility is sold to a utility pursuant to certain pre-1987 contracts. The provision clarifies that facilities placed in service prior to June 30, 1999, that sell electricity under applicable pre-1987 contracts are not denied the section 45 production tax credit solely by reason of a change in ownership after June 30, 1999.

Treatment of income and services provided by taxable REIT subsidiaries (Act sec. 542).—The provision clarifies that the transient basis language in the definition of a lodging facility applies only in determining whether an establishment other than a hotel or motel qualifies as a lodging facility.

Amendment Related to the Internal Revenue Service Restructuring and Reform Act of 1998

Redactions for background documents related to Chief Counsel Advice documents (Act sec. 3509).—The Internal Revenue Service Restructuring and Reform Act of 1998 established a structured process by which the IRS makes certain work products, designated Chief Counsel advice (''CCA''), open to public inspection. To afford additional protection for certain governmental interests implicated by CCAs, section 6110(i)(3) governs redactions that may be made to CCAs, including the exemptions or exclusions available under the Freedom of Information Act, 5 U.S.C. 552(b) and (c) (except that the provision for redaction under a Federal statute excludes Title 26), as well as the exemptions pertaining to taxpayer identity information described in section 6110(c)(1). Section 6110(i)(3) does not expressly address redactions to the ''background file documents'' related to a CCA. The provision clarifies that the CCA background file documents are governed by the same redactions as CCAs.

Clerical corrections

The bill includes a number of clerical and conforming amendments, including amendments correcting typographical errors.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4389) was ordered to be read a third, was read the third time, and passed.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Tuesday, January 8, during the hours of 10 a.m. to 12 noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1200

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 22, 2008, following a period of morning business, the Senate then proceed to the consideration of Calendar No. 421, S. 1200, the Indian health legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2483

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 546, S. 2483, the energy lands bills, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when considered, it be considered under the following limitations: that the only amendments in order be five related amendments to be offered by Senator COBURN; that upon disposition of all amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I mentioned this morning that we are going to do Indian health, FISA, and then we can to go this bill that I just got consent on dealing with energy.

MEASURE READ THE FIRST TIME—H.R. 4040

Mr. REID. There is a bill at the desk due for its first reading. It is the consumer product commission.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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.

H.R. 1216 AND H.R. 1254

Mr. REID. Mr. President, I have two consent requests that I have been asked to propound on behalf of Members on our side. These two bills are very important. There are objections on the Republican side. I would propound the requests, but I have been told the Republicans would have to bring somebody here, and there would be an objection, so I am not going to make that necessary.

The bills are H.R. 1216, Kids and Cars Safety Act of 2007, and H.R. 1254, the Presidential Library bill. These two pieces of legislation are important to Senators CLINTON and LIEBERMAN.

I would like to announce today that when the Senate returns for business in January, we will ask the consents again, and I hope at that time the minority, who are now objecting, will not be here to lodge those objections.

THANKING SENATOR CASEY

Mr. REID. Mr. President, so it does not pass my mind, I want to express the appreciation of everyone involved here for the Presiding Officer spending so much time here today. We thought we would be out of here by 3 o'clock this afternoon. It is 8:30, and we are still not finished our work.

I can remember when I was a new Member of the House of Representatives, and it was a time about like this,

and I was asked to preside. Now, remember, there are 435 Members of the House of Representatives, and I was a freshman. Oh, was I happy—a great big podium and a great big gavel, which I did not have to use. I would not have known how to anyway. But I look back with a lot of fond memories to that 25 years ago.

But we appreciate the Senator being here today. Most of this work of this Senate is completed, and we have to have someone who is presiding. The Senator has been very patient with all of us. We appreciate it very much. But this speaks of who you are. You are always a very patient person. I am grateful to you, as we all are.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

NOMINATIONS STATUS QUO

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that, the provisions of rule XXXI notwithstanding, all nominations remain in status quo except the following: from the Armed Services Committee, Colonels Larry Arnett, Otis Morris, and Gilberto Pena to be brigadier generals; Colonel Marc L. Warren to be brigadier general; Colonel Mark W. Tillman to be brigadier general; Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy; from the Committee on the Judiciary, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 117, 372, 377, 393, 408, 409, 411, 412 through 427, 433 through 438, and all the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

FEDERAL ENERGY REGULATORY COMMISSION

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

DEPARTMENT OF HOMELAND SECURITY

Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

DEPARTMENT OF COMMERCE

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services.

FEDERAL ENERGY REGULATORY COMMISSION

Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

DEPARTMENT OF DEFENSE

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Roger A. Brady, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard Y. Newton, III, 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Walter D. Givhan, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William L. Shelton, 0000

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Allyson R. Solomon, 0000

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher F. Burne, 0000
Col. Dwight D. Creasy, 0000

IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robert B. Abrams, 0000
Colonel Ralph O. Baker, 0000
Colonel Allen W. Batschelet, 0000
Colonel Peter C. Bayer, Jr., 0000
Colonel Arnold N.G. Bray, 0000
Colonel Jeffrey S. Buchanan, 0000
Colonel Robert A. Carr, 0000
Colonel Gary H. Cheek, 0000
Colonel Kendall P. Cox, 0000
Colonel William T. Crosby, 0000
Colonel Anthony G. Crutchfield, 0000
Colonel Joseph P. Disalvo, 0000
Colonel Brian J. Donahue, 0000
Colonel Patrick J. Donahue, II, 0000
Colonel Peter N. Fuller, 0000
Colonel William K. Fuller, 0000
Colonel Walter M. Golden, Jr., 0000
Colonel Patrick M. Higgins, 0000
Colonel Frederick B. Hodges, 0000
Colonel Brian R. Layer, 0000
Colonel Richard C. Longo, 0000
Colonel Alan R. Lynn, 0000
Colonel David L. Mann, 0000
Colonel Lloyd Miles, 0000
Colonel Mark A. Milley, 0000
Colonel John W. Nicholson, Jr., 0000
Colonel Henry J. Nowak, 0000
Colonel Raymond P. Palumbo, 0000
Colonel Gary S. Patton, 0000
Colonel Mark W. Perrin, 0000
Colonel William E. Rapp, 0000
Colonel Thomas J. Richardson, 0000
Colonel Steven L. Salazar, 0000
Colonel Raymond A. Thomas, III, 0000
Colonel Paul L. Wentz, 0000
Colonel Larry D. Wyche, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. R. Steven Whitcomb, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John A. Macdonald, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Dana K. Chipman, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis L. Celletti, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David P. Valcourt, 0000

DEPARTMENT OF TRANSPORTATION

Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Michael R. Seward, 0000

The following named officers for appointment in the United States Coast Guard to

the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Joseph R. Castillo, 0000
Capt. Daniel R. May, 0000
Capt. Peter V. Neffenger, 0000
Capt. Charles W. Ray, 0000

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (1h) William D. Baumgartner, 0000
Rear Adm. (1h) Manson K. Brown, 0000
Rear Adm. (1h) Cynthia A. Coogan, 0000

DEPARTMENT OF HOMELAND SECURITY

Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1121 AIR FORCE nomination of Joseph V. Treanor III, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1122 AIR FORCE nomination of Pamala L. Browngrayson, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1123 AIR FORCE nomination of Alicia J. Edwards, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1124 AIR FORCE nominations (2) beginning THERESA D. BROWNDOONQUAH, and ending CHERYL A. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1125 AIR FORCE nominations (3) beginning JEFFREY J. HOFFMANN, and ending GERALD B. WHISLER III, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1126 AIR FORCE nominations (3) beginning KELLEY A. BROWN, and ending MARK A. NIELSEN, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1144 AIR FORGE nominations (3) beginning JOHN R. SHAW, and ending NATALIE L. RESTIVO, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

IN THE ARMY

PN1056 ARMY nominations (40) beginning WILLIAM E. ACKERMAN, and ending MARK A. VAITKUS, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1057 ARMY nominations (22) beginning RACHEL A. ARMSTRONG, and ending VERONICA A. THURMOND, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1058 ARMY nominations (6) beginning VIVIAN T. HUTSON, and ending LAURIE E. SWEET, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1059 ARMY nominations (7) beginning GARY D. COLEMAN, and ending PAUL E. WHIPPO, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1060 ARMY nomination of Lillian L. Landrigan, which was received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1093 ARMY nominations (2) beginning SARAH B GOLDMAN, and ending MICHEAL B. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1094 ARMY nominations (3) beginning RICKY A. THOMAS, and ending JOSEPH PUSKAR, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1095 ARMY nomination of Tarnjit S. Saini, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1096 ARMY nomination of Bockarie Sesay, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1097 ARMY nomination of Deborah Minnickshearin, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1098 ARMY nomination of Stephen L. Franco, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1099 ARMY nomination of George Quiroa, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1100 ARMY nominations (4) beginning DAVID N. GERESKI, and ending CLINT E. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1101 ARMY nomination of Kimberly K. Johnson, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1102 ARMY nominations (4) beginning ALAN JONES, and ending CHANTAY P. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1103 ARMY nominations (18) beginning MARIAN AMREIN, and ending D060583, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1127 ARMY nomination of Daniel J. Judge, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1128 ARMY nominations (2) beginning RICHARD HARRISON, and ending GREGORY W. WALTER, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1129 ARMY nominations (3) beginning JOE R. WARDLAW, and ending NICKOLAS KARAJOHN, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1130 ARMY nominations (2) beginning VANESSA M. MEYER, and ending JAMES E. ADAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1145 ARMY nomination of Quindola M. Crowley, which was received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1146 ARMY nominations (3) beginning PAUL A. MABRY, and ending ROBERT PERITO, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1147 ARMY nominations (147) beginning JOSEPH M. ADAMS, and ending D060256, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1148 ARMY nominations (241) beginning ANTHONY J. ABATI, and ending D060260, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1149 ARMY nominations (142) beginning DAVID P. ACEVEDO, and ending X1408, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

COAST GUARD

PN1119 COAST GUARD nomination of Robert A. Stohlman, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1120 COAST GUARD nomination of Raymond S. Kingsley, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1014 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Llian G. K Breen, and ending Anna-Elizabeth B. Villard-Howe, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE NAVY

PN1061 NAVY nomination of Horace E. Gilchrist, which was received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1106 NAVY nominations (15) beginning RICHARD W. SISK, and ending JOHN T. SCHOFIELD, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1150 NAVY nominations (23) beginning STEPHEN W. ALDRIDGE, and ending KRISTOFER J. WESTPHAL, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of the following nominations: foreign service nominations listed as follows: PN 877, PN 955, PN 1006, PN 1007, PN 1015, PN 1034; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Cedra Danielle Eaton, of Maryland

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

S. Nausher M. Ali, of California
Christopher Charles Ashe, of Pennsylvania
Kimberly K. Atkinson, of South Dakota
Deidra Di Anne Avendasora, of Minnesota
Tiffany M. Bartish, of Illinois
Christopher Graydon Beard, of Florida
Jennifer L. Becker, of Kansas
Nancy R. Biasi, of Oregon
Sheryl J. Bistransky, of Virginia
Michael A. Bradecamp, of Virginia
Cheryl R. Bruner, of South Dakota
Mark Colbourne Carlson, of Washington
Landry Joseph Carr, of Louisiana
Michael Albert Chung, of Washington
Sara M. Cobb, of Florida
Kathleen Marie Corey, of Washington
John C. Corrao, of Indiana
Sonata N. Coulter, of Washington
Joanne Held Cummings, of Texas
Paul Michael Cunningham, of Connecticut
Christopher M. Deutsch, of Virginia
Janet E. Deutsch, of Illinois
Beverli J. DeWalt, of Washington
Sarah A. Duffy, of Illinois
David Clifford Edginton, of Iowa
Ellen Beth Eiseman, of New York
Jill Foster, of California
Eric Geelan, of New York

Kathleen D. Gibilisco, of California
John H. Gimbel IV, of Nevada
Carla A. Gonneville, of California
Christopher R. Green, of Texas
John R. Groch, of Texas
H. Rebecca Grutz, of Texas
Traver Gudie, of Florida
Richard F. Hanrahan, Jr., of Illinois
Cash A. Herbolich, of Arizona
Anny Chi-Jin Ho, of Virginia
Robert F. Hommowun, of California
Amy J. Hood, of Virginia
Jessica Marie Franz Huaracayo, of California
Dorian Hurtado, of Florida
Mollie Jax Jackson, of Oregon
Theodore Evan Jasik, of New York
Alma Musanovic Johnson, of New Hampshire
Tiffney J. Johnson, of Texas
Wendy Annette Kahler, of Virginia
Deborah J. Kanarek, of California
Mary Virginia Kane, of Maryland
Wendy A. Kennedy, of Washington
Jason B. Khile, of Illinois
Julie Kim-Johnson, of Washington
Emily L. King, of Virginia
Brian P. Klein, of Pennsylvania
Richard W. La Roche, Jr., of California
Guy M. Lawson, of Texas
Paula I. L'Ecuyer, of Virginia
Paul A. Loh, of New York
Leon C. Lowder III, of New York
Laura deNelle Lucas, of Idaho
Mary Elizabeth Madden, of Oregon
Guy Margalith, of New York
Berenice Mariscal, of Texas
Robert M. Marks, of Florida
Hagen Davis Maroney, of New York
Melissa E. Martinez, of New Mexico
Partha Mazumdar, of Pennsylvania
Lissa Mei-lin McAtee, of Washington
P. Christopher McCabe, of Colorado
Nancy Hillery McCarthy, of Texas
Catherine E. McGeary, of Florida
Aud-Frances McKernan, of California
Cristina Marie Marko Meaney, of Arizona
Ann Meceda, of California
Sara M. Mercado, of California
Kristian G. Moore, of Colorado
John K. Moyer, of Pennsylvania
Eshel William Murad, of Virginia
Kevin T. Murakami, of Virginia
Megan Thana Myers, of Minnesota
Jeremy Nathan, of Illinois
Jenifer Lynn Neidhart de Ortiz, of Florida
Thu M. Nguyen, of Virginia
Briana L. Olsen, of Washington
Douglas S. O'Neill, of Florida
Swati Mansukh Patel, of Alabama
Coney Patterson, of Florida
Timothy Eugene Peltier, of Virginia
Steven Perry, of Virginia
Brian R Peterson, of Washington
Christopher R. Reynolds, of New Jersey
Christine Riehl, of Maryland
Michael R. Roberts, of New Jersey
Richard W. Roesing III, of Pennsylvania
Meredith Leigh Rubin, of Virginia
Joseph H. Runyon, of Florida
Trina D. Saha, of California
Anne Lee Seshadri, of New Hampshire
Charles H. Sewall, of Florida
Preeti Vikas Shah, of Michigan
Kim Shaw, of California
Patrick Isamu Smeller, of Maryland
Jeffrey Brian Smith, of Texas
Steven T. Smith, of New Hampshire
John Thomas Speaks III, of Texas
Debra A. Steigerwalt, of Virginia
Scott Adam Sternberg, of Florida
Stephen Bruce Stewart, of California
Erinn C. Stott, of Texas
Andrea V. Strano, of New York
Paul M. Stronski, of New York
Joseph A. Strzalka, of Michigan
Rachel Sunden, of Texas
Kathleen S. Szpila, of Massachusetts
Debra Taylor, of Washington
Victoria Jean Taylor, of Missouri
Chad Alan Thornberry, of California
Jennifer L. Vieira, of Texas
Thomas Joseph Wallis, of Virginia
Drake A. Weisert, of Texas
Adam P. West, of Illinois
Joel Robert Wiegert, of Nebraska
Patrick R. Wingate, of Texas
Ellen Wong, of Missouri
Danielle K. Wood, of Oregon
Jean Thomas Woynicki, of Pennsylvania
Daniela Zadrozny, of Texas

DEPARTMENT OF STATE

Wendy P. Lyle, of Virginia

Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF TREASURY

Christopher Adams, of California

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Peter D. Liston, of Florida

DEPARTMENT OF STATE

Mary E. Alexander, of Texas
Logan Alschbach, of Virginia
Robert T. Alter, of the District of Columbia
Sandra E. Ambrose-Shem, of Virginia
Robert Anderson, of Oregon
Asha B. Andrews, of California
David Avery, of New Mexico
D. Heath Bailey, of Nevada
Debra A. Barbessi, of Virginia
Alexandra Lara Baumgartner, of West Virginia
Shari Alyson Berke, of the District of Columbia
Rachel E. Birthisel, of Virginia
Brandon L. Borkowicz, of Illinois
Donald A. Brown, of Louisiana
Leslie E. Brown, of the District of Columbia
Lindsay H. Bush, of Virginia
Daniel J. Byrne, of Virginia
Eric Camus, of Oregon
Steven W. Carroll, of California
Charles Coxwell Carson, of Virginia
Christopher Ronald Carver, of Oregon
Michael D. Christie, of Virginia
Daniel Y. Chu, of California
Daniel R. Cisek, of Illinois
Alfonso Cortes, of New York
John Edward Crippen, of Arkansas
Ramona S. Crippen, of Arkansas
Thomas P. Dalton, of Texas
Susan V. Dankovich, of Pennsylvania
Nathalie Jordan Davis, of Maryland
Wayne Charles Davis, of Virginia
Nathaniel P. Delemarre, of Virginia
Lawanda B. Dixon, of Maryland
Michael Stephen Doumitt, of Virginia
Monique A. Downs, of Maryland
Scott Driskel, of Virginia
Janet Marie Elbert, of Virginia
David Aaron Epstein, of New York
Nancy Ann Eyde, of Michigan
Kellee A. Farmer, of Kansas
David Kip Francis, of Georgia
Kevin W Friloux, of Texas
Edward A. Gallagher, of Virginia
Nicole E. Gallagher, of Maryland
Juan Jaime Gamboa, of Texas
James C. Gessler, of Virginia
Kristin Michele Gilmore, of California
Stephen Glaser, of California
Barry S. Greenberg, of Maryland
Lawrence James Grossback, of Virginia
Rebecca Haas, of Pennsylvania
Greg A. Hall, of Maryland
Mercedes Ruth Hammer, of Virginia
Sarah J. Hansen, of Virginia
Robert W. Hareland, of Nevada
Anthony P. Harman, of Maryland
S. Evan Harper, of the District of Columbia
Megan Alice Harris, of Virginia
Justin Matthew Hekel, of New York
Paul E. Hickernell, of Virginia
Rebecca Katherine Hunter, of Florida
Kareem N. Jamjoom, of Mssouri
James J. Jay, Jr, of Illinois
Michael H. Johnson, Jr., of Virginia
Nicole G Johnson, of Wisconsin
Eric A. Jordan, of Kansas
Przemyslaw Robert Kaczorowski, of Maryland
George R. Kanekkeberg, of Virginia
Megan M. Katin, of Virginia
Elizabeth C. Kaufman, of Virginia
James Brennan Kelly, of the District of Columbia
Keely Zwart Kilburg, of Texas
Eric Michael Kline, of Virginia
Scott O. Koenig, of California
Timothy R. Kraemer, of Virginia
Jeanne Brennan Land, of Virginia
Susan P. Larson, of Virginia
Elizabeth K. Lee, of California
Leslie A. Linnemeier, of Virginia
Mary LoFrisco-McClure, of Maryland
Billy Malone, of Virginia
Bruce G. Mangum, of Maryland
David Matthew Mark, of Virginia
Charles Martin, of Kentucky
Paul J. Martinek, of Massachusetts
Marjorie A. Mathelus, of Virginia
George D. Mathews, of Virginia
Catherine Jean McFarland, of Florida
Grant L. McMurran, of Virginia
Richard Bruce Mddlebrooks, of Virginia
Benjamin Edward Miller, of California
Thomas Miniaci, of Virginia
Blake W. Mobley, of the District of Columbia
Kimberlee Moore, of Virginia
Matthew Abraham Myers, Sr., of Florida
William R. Nelson, of Wisconsin
Nicole A. Nucelli, of Virginia
Aaron P. Ong, of Virginia
Robert C. Palmer, of California
Brandy L. Pankau, of West Virginia
Megan M. Phaneuf, of the District of Columbia
Justin A. Ponchak, of Virginia
Michael Hugh Quinn, of Alaska
Jamie William Ravetz, of Pennsylvania
Robin Reichenbach, of Virginia
Christopher Rhoton, of Virginia
Meredith Robertson, of Virginia
Carolyn Rodal, of Virginia
Timothy R. Roman, of Maryland
Aaron John Rupert, of Ohio
Manju K. Sadarangani, of New York
Marco G. Sailors, of Pennsylvania
Susan M. Sakraida, of Pennsylvania
Marcelyn E. Sanchez, of California
Cheryl Anderson Saus, of Virginia
Kevi E. Sechrest, of Virginia
David P. Segalini, of Virginia
Anjalina Sen, of New York
D. Alexandra Shuey, of the District of Columbia
Richard R. Silver, of California
Theodora S. Smith, of Maryland
Timothy J. Smith, of Maryland
Andrew D. Snodgrass, of Virginia
Jimmi Nicole Sommer, of Idaho
Jorge Patrick Sowers, of Virginia
Paul Glen Stahle, of Maryland
Wade B. Stanton, of Virginia
Sharla Stephenson, of Virginia
Sarah C. Stewart, of Arizona
Erin C. Stuart, of Virginia
Mary E. Stuessy, of Ohio
Huguette Thornton, of Florida
Peter J. Thrapp, of Illinois
Benjamin Tietz, of Virginia
Joseph Anthony Tordella, of Florida
Rubani I. Trimiew, of New Jersey
Nguyen C. Trinh, of Maryland
Kristine M. Tuori, of Maryland
Cynthia Jean Turner, of Florida
Ariel Rebecca Vaagen, of Texas
Michelle R. Vassar, of Virginia
Jessica R. Vielhuber, of Virginia
Heidi B. Vierow, of Virginia

Timothy S. Wade, of the District of Columbia
Kerry Merkl Wald, of Connecticut
Michele Wells, of California
Richard Whitten, of Florida
Whitney Scott Wiedeman, of Texas
Stewart A.S. Wight, of Virginia
Todd Andrew Wilder, of Washington
Michelle Marie Wildman, of Indiana
Suzanne M. Yountchi, of California

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture/APHIS for promotion within and into the Senior Foreign Service to the classes indicated: Career Member of the Senior Foreign Service, Class of Career Minister:

Danny J. Sheesley, of Colorado

DEPARTMENT OF STATE

Julia A. Stewart, of Virginia

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Paul S. Cushman, of Florida

DEPARTMENT OF STATE

Jessica Lynn Adams, of Ohio
Gregory David Aurit, of Nevada
Mark J. Bosse, of California
Roberta R. Burns, of New York
Lydia Beth Butts, of Texas
Lisa Arunee Buzenas, of the District of Columbia
Daniel C. Callahan, of Virginia
Thomas L. Card, of Virginia
Michael Carney, of Georgia
Mary Karol Cline, of the District of Columbia
Marc S. Cook, of the District of Columbia
Michael Albert Daschbach, of Arizona
Thomas R. De Bor, of Pennsylvania
Kristen Fresonke, of New York
Lawrence H. Gemmell, of Maine
Lewis Gitter, of Pennsylvania
Kristofor E. Graf, of Texas
Sean S. Greenley, of South Carolina
Michael William Hale, of Virginia
Paul Allen Hinshaw, of Mississippi
A. Diane Holcombe, of Maryland
Richard B. Johns, of Virginia
Steve M. Kenoyer, of California
Richard Morris, of Colorado
Andrea Jane Parsons, of the District of Columbia
Miranda A. Rinaldi, of the District of Columbia
Amy E. Roth, of Louisiana
Erik Martinas Ryan, of Arkansas
Denise Shen, of Virginia
Joan Renee Sinclair, of California
Diana Maria Sitt, of California
Elizabeth A. Sunday, of Pennsylvania
Mary C. Thompson, of Texas
Laura A. Till, of Colorado
Miriam Elise Tokumasu, of Washington
Nyree Tripptree, of Georgia
Christopher Van Bebber, of California
Angela Raye Ventling, of New York
Vaida Vidugiris, of New York
Zebulun Q Weeks, of Nevada
Diane Whitten, of Nebraska
Brandon L Wilson, of Virginia
Deborah Winters, of the District of Columbia

Career Member of the Senior Foreign Service, Class of Career Minister:

Anne H. Aarnes, of Vermont
Hilda Marie Arellano, of Texas
Karen Dene-Turner, of the District of Columbia

Career Member of the Senior Foreign Service, Class of Minister-Counselor:

Deborah K. Kennedy-Iraheta, of Virginia
Erma Willis Kerst, of the District of Columbia
Howard Jeffrey Sumka, of Maryland
Leon S. Waskin, Jr., of Florida
Paul E. Weisenfeld, of the District of Columbia
Susumu Ken Yamashita, of Florida

Career Member of the Senior Foreign Service, Class of Counselor;

Jennifer Adams, of New York
John A. Beed, of Maryland
Beth Ellen Cypser-Kim, of New York
Thomas R. Delaney, of Pennsylvania
Dona M. Dinkler, of Virginia
Gary Flynn Fuller, of Califomia
Lawence Hardy II, of Washington
Michael T. Harvey, of Texas
James M Harmon, of Maryland
Edith Fayssoux-Jones Humphreys, of Florida
Brooke Andrea Isham, of Washington
David Leong, of Virginia
Bobbie E. Myers, of Florida
Charles Eric North, of Virginia
Martha Erin Solo, of Virginia
Dennis J. Weller, of Illinois
Melissa Ann Williams, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

Pamela E. Bridgewater, of Maryland
Steven A. Browning, of Texas
Jeremy F. Curtin, of Maryland
Daniel Fried, of California
Francis Joseph Ricciardone, Jr., of New Hampshire

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Bernadette Mary Allen, of Maryland
Betsy Lynn Anderson, of Virginia
Claudia E. Anyaso, of the District of Columbia
Edmund Earl Atkins, of California
Joyce A. Barr, of Washington
Kevin Michael Barry, of Virginia
Leslie Ann Bassett, of California
Donna M. Blair, of Louisiana
Anne Taylor Callaghan, of Virginia
Arnold A. Chac, of New York
Michael Hugh Corbin, of California
Gene Allan Cretz, of New York
Michael Joseph Darmiento, of Virginia
Jonathan D. Farrar, of California
Philip S. Goldberg, of New York
Gary A. Grappo, of Florida
Charles H. Grover, of New Hampshire
David M. Hale, of New Jersey
Robert Porter Jackson, of Virginia
Tracey Ann Jacobson, of the District of Columbia
Stuart E. Jones, of Pennsylvania
Peter Graham Kaestner, of Florida
Susan E. Keogh, of California
Nabeel A. Khoury, of New York
Lisa Jean Kubiske, of Virginia
Joseph Estey MacManus, of New York
Haynes Richardson Mahoney III, of Massachusetts
M. Lee McClenny, of Washington
Nancy E. McEldowney, of Florida
Christopher J. McMullen, of the District of Columbia
James Desmond Melville, Jr., of New Jersey
William H. Moser, of Florida
Sandra M. Muench, of Florida
Anthony Muse, of Tennessee
Geraldine H. O'Brien, of Massachusetts
James A. Paige, of Ohio
Isiah L. Parnell, of Florida
Michael Bernard Regan, of New Jersey
Paul Edward Rowe, of Virginia
Larry Schwartz, of Washington
Justine M. Sincavage, of Pennsylvania
Jay Thomas Smith, of Indiana
Barbara J. Stephenson, of Florida
Agu Suvari, of Rhode Island
Teddy B. Taylor, of Maryland
Donald Gene Teitelbaum, of Virginia
Margaret A. Uyehara, of Virginia
James B. Warlick, Jr., of California
Kevin Michael Whitaker, of Virginia
Mary Jo Wills, of Virginia
Marie L. Yovanovitch, of Connecticut

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Gregory Adams, of Arizona
Susan Elaine Alexander, of Washington
Richard Hanson Appleton, of California
Michael Lee Bajek, of Texas
Robert David Banks, of Virginia
John R. Bass II, of New York
Robert Stephen Beecroft, of California
Robert I. Blau, of Virginia
Thurmond H. Borden, of Texas
Philip Jackson Breeden, Jr., of California
Matthew J. Bryza, of California
Piper Anne-Wind Campbell, of New York
Thomas H. Casey, Jr., of New Jersey
Karen Lise Christensen, of Virginia
Robert John Clarke, of Florida
John Alan Connerley, of California
Thomas Frederick Daughton, of New York
Robert Richard Downes, of Texas
Susan Marsh Elliott, of Virginia
Laura Patricia Faux-Gable, of Virginia
Julie A. Furuta-Toy, of California
Gonzalo Rolando Gallegos, of Texas
Peggy Ann Gennatiempo, of Washington
Thomas Henry Goldberger, of New Jersey
Robert Daniel Griffiths, of Nevada
Eva Jane Groening, of New Jersey
Ted William Halstead, of Virginia
D. Brent Hardt, of Florida
Clifford Awtrey Hart, Jr., of Virginia
Francisca Thomas Helmer, of California
Simon Henshaw, of Massachusetts
Leslie C. High, of Pennsylvania
Anthony Alonzo Hutchinson, of Washington
Dorothy Senger Imwold, of Florida
Tina S. Kaidanow, of New York
Ann N. Kambara, of California
David Joel Katz, of Washington
Neil R. Klopfenstein, of Iowa
Christopher A. Lambert, of Virginia
John Charles Law, of Virginia
Frank Joseph Ledahawsky, of New Jersey
Lewis Alan Lukens, of Vermont
Carol Lynn MacCurdy, of Virginia
Kevin K. Maher, of Virginia
John A. Matel, of Washington
Robin Hill Matthewman, of Washington
Matthew John Matthews, of Virginia
Louis Mazel, of New Hampshire
Michael William McClellan, of Kentucky
Kenneth H. Merten, of Virginia
Lawrence Mire, of California
Michael Chase Mullins, of New Hampshire
Richard Walter Nelson, of California
Virginia E. Palmer, of Virginia
Robert Patterson, of Pennsylvania
Claire A. Pierangelo, of California
H. Dean Pittman, of Mississippi
Robert Glenn Rapson, of New Hampshire
Philip Thomas Reeker, of New York
Gary D. Robbins, of Washington
Todd David Robinson, of New Jersey
Matthew M. Rooney, of Texas
Dorothea-Maria Rosen, of California
Andrew T. Simkin, of Washington
Pamela Leora Spratlen, of California
William Ralph Stewart, of Texas
Stephanie Sanders Sullivan, of Maryland
Susan M. Sutton, of Virginia
Alaina Teplitz, of the District of Columbia
Heather Ann Townsend, of the District of Columbia
Jeffrey Stewart Alexander Tunis, of Florida
Thomas E. Williams, Jr., of Virginia
Bisa Williams-Manigault, of Texas
Mary Hillers Witt, of Pennsylvania
Robert A. Wood, of New York

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Cheryl L. Alston, of Texas
Robert Douglas Barton, of Texas
Kevin W. Bauer, of Virginia
Stephen P. Brunette, of Virginia
Scott P. Bultrowicz, of Ohio
Kenneth B. Dekleva, of Texas
Loren F. File, Jr., of Virginia
Gregory V. Gavagan, of Florida
Joseph G. Hays III, of Virginia
John F. Hernly, of Maryland
Kibby Felecia Jorgensen, of Florida
George G. Lambert, of Indiana
Phillip S. Louh, of New Jersey
James P. McDermott, of Maryland
Bill A. Miller, of Georgia
Richard A. Nicholas, of Colorado
Robert A. Riley, of Florida
Michael H. Ross, of Virginia
Eric N. Rumpf, of Washington
Donald A. Schenck, of Virginia
John W. Schilling, of Virginia
Conrad V. Schmitt, of Texas
James E. Vanderpool, of California
Frontis B. Wiggins, of Virginia

AGENCY FOR INTERNATIONAL DEVELOPMENT

Jeffery A. Lifur, of Nevada

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Sabinus Fyne Anaele, of Texas
Yohannes A. Araya, of Virginia
Jeff Richard Bryan, of Florida
Samuel Carter, Jr., of Virginia
Thaddeus S. Corley, of Nevada
Linda S. Crawford, of Florida
Matthew R. Drake, of California
Steven DeVane Edminster, of Maryland
Steven M. Fondriest, of the District of Columbia
Wayne A. Frank, of Hawaii
Jeffery T. Goebel, of the District of Columbia
David Gosney, of California
Stephen F. Herbaly, of Montana
Nicholas B. Higgins, of the District of Columbia
Michelle A. Jennings, of California
Melissa A. Jones, of California
Terence Ernest Jones, of Florida
Jessica J. Jordan, of Florida
Erin Austin Krasik, of Ohio
Akua N. Kwateng-Addo, of Maryland
Lisa Magno, of Virginia
Michael Richard McCord, of Maryland
Erin Nicholson Pacific, of the District of Columbia
Sheila R. Roquitte, of Washington
Daniel Sanchez-Bustamante, of Maryland
Nancy M. Shalala, of New Jersey
Jeffry B. Sharp, of Illinois
Jason Kennedy Singer, of the District of Columbia
Kathyrine R. Soliven, of Maryland
Michael B. Stewart, of South Dakota
Aye Aye Thwin, of Virginia
Sara R. Walter, of Kansas
James Matthew Pye Weatherill, of New Jersey

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Thomas P. Cassidy III, of Texas
Tanya Cole, of California
Nasir Khan, of Virginia
Ashley Miller, of Maryland

DEPARTMENT OF STATE

Brian D. Adkins, of Ohio
Nushin Sadik Alloo, of California
Laura E. Anderson, of South Carolina
Kathleen N. Astorita, of Virginia
Alfredo Ayuso, of Virginia
Adam Christopher Bacon, of Virginia
Alexander M. Bailey, of Virginia
Jennifer M. Bailey, of Virginia
Steven C. Barlow, of Virginia
Joseph George Bergen, of South Carolina
James T. Berry, of Virginia
Sarah E Bobbin, of Virginia
Darren Paul Bologna, of Virginia
Brian Andrew Bresnan, of Virginia
Kendrick Bennett Brown, of Virginia
Marcy S. Brown, of New York
Matthew Crane Buffington, of Utah
Meagan Call, of New Mexico
Anne M. Camus, of Virginia
Lindsay K. Campbell, of Maryland
Dean D. Caras, of the District of Columbia
James Michael Cichon, of Virginia
William Percy Cobb, Jr., of the District of Columbia
Henry Clay Constantine IV, of Virginia
Christopher L. Cook, of Texas
L.A. Cordero, of California
Andrea D. Corey, of Colorado
Brian F. Corteville, of Michigan
Jeffrey A. Courtemanche, of Virginia
Angela Vernet Dalrymple, of New York
Ralph Dixon III, of Virginia
Meera Doraiswamy, of Virginia
Damon DuBord, of the District of Columbia
Khashayar Ghashghai, of Texas
Fonta J. Gilliam, of North Carolina
Sandrine Susan Goffard, of Florida
Andrea Lauren Gottlich, of Kansas
Teresa L. Grantham, of Arizona
Andrea G. Hall, of Virginia
Thomas Neal Halphen, of Louisiana
Harry J. Handlin, of Maryland
Kathryn Hartmere, of Maryland
Brendan Kyle Hatcher, of Tennessee
Heidi S. Hattenbach, of Colorado
Cristin Heinbeck, of Michigan
Prashant Hemady, of Pennsylvania
Jacquelyn E. Henderson, of Indiana
Annalis Hermann, of Virginia
Norma C. Hernandez, of California
Roy Arturo Hines, of California
Winifred Loop Hofstetter, of Colorado
Mark W. Hopkins, of Virginia
Charles Phillip Hornbostel, of Virginia
Matthew Lane Horner, of Oregon
Eric S. Huguley, of Maryland
Francine I. Kalnoske, of Maryland
Zoraida Tarifa Kelley, of Virginia
James Sean Kennedy, of California
Colleen M. Kenning, of the District of Columbia
Anna M. Klimaszewska, of Virginia
Rachel R Kutzley, of Ohio
Tye M. Lageman, of Virginia
James G. Lankford, of Texas
Eric James Legallais, of Virginia
Maria del Carmen Liautaud, of Virginia
Brian Jay Luster, of Virginia
Margaret Grace MacLeod, of New York
Denise M. Malone, of Florida
Jeff D. Malsam, of Virginia
Amanda Joy Mansour, of the District of Columbia
Sara Elizabeth Martz, of Virginia
Pamela S. Miller, of Virginia
James Alexander Moore, of Virginia
Matthew A. Morrow, of Ohio
Victor G. Myers, of Maryland
Victoria A. Nestor, of Pennsylvania
Tyler Ross Nicholes, of Virginia
Siobhan Colby Oat-Judge, of Connecticut
Craig P. Osth, of Virginia
Steven Lynn Ovard, of Utah
Matthew R. Petersen, of Virginia
Garry Pierrot, of Florida
Sharon L. Pollard, of Virginia
Kathryn E. Porter, of Alabama
Brandon Possin, of Wisconsin
Rachel E. Quiroga, of Virginia
Amy J. Reardon, of Washington
Richard N. Reilly, of Florida
Charles A. Reynolds, of Georgia
David Reynolds, of Rhode Island
Kristin Marie Roberts, of Virginia
Michael Rosenthal, of the District of Columbia
Lindsey L. Rothenberg, of the District of Columbia
Samuel Flom Rothenberg, of the District of Columbia
Sarah A. Sadow, of Virginia
Alexander Rafael Schaper, of Virginia
Jacob Taylor Schultz, of Florida
Frank Erick Sellin, of Virginia
Ami U. Shah, of New Jersey
Philip Lee Shaw, of Virginia
David C. Shiao, of Virginia
Beth Nichole Skubis, of Virginia
Rhonda Lynn Slusher, of Kansas
Lachrisha D. Smith, of Maryland
John Steven Soltys, of Virginia
Jonathan W. Spitzer, of Virginia
Kimberly M Strollo, of Florida
Nikhil P. Sudame, of Connecticut
Erin P. Sweeney, of New Jersey
Michael J. Sweet, of Virginia
Justen Allen Thomas, of Wisconsin
Scott VanBeuge, of Washington
Nancy Taylor VanHorn, of Texas
Marlan C. Walker, of Utah
Dineen B. Willats, of Virginia
Timothy Lee Witkiewicz, of Virginia
Daniel Wallace Wright, of Virginia
Kevin S. Yates, of North Carolina
Zainab Zaid, of Maryland
Marwa Zeini, of Florida

DEPARTMENT OF STATE

S. Najlaa Abdus-Samad, of New York
J. Andrew Abell, of the District of Columbia
Anthony W. Alexander, of California
Christopher Campbell Allison, of Missouri
Erfana Andrabi, of Washington
Faris Y. Asad, of Ohio
Forest Grady Atkinson, of California
Benjamin Seth Bailey, of Washington
Anne Elizabeth Baker, of Washington
Chelsea M.H. Bakken, of Washington
Daniela A. Ballard, of California
Ann Barrow, of Florida
Alistair Charles Baskey, of Texas
Todd Michael Bate-Poxon, of Florida
Matthew Kenneth Beh, of New York
Mariju Libo-on Bofill, of West Virginia
Scott Charles Bolz, of Washington
Pauline Nicole Borderies, of California
Jennifer F. Bosworth, of the District of Columbia
Tobias Alyn Bradford, of Texas
Staci A. Brothers-Jackson, of Georgia
Christopher Charles Brown, of Wisconsin
D.A. Brown, of Florida
Justin Patrick Brown, of California
Thomas E. Brown, Jr., of Maryland
Timothy Patrick Buckley, of New York
Dayle Rebecca Carden, of Texas
Lyra Sharon Carr, of Nevada
Cassandra Carraway, of California
Michael J. Carver, of Texas
Eric Catalfamo, of Florida
Ethan Daniel Chorin, of California
Lewis A. Clark, of Texas
Christopher T. Cortese, of Florida
Kim D'Auria-Vazira, of California
Timmy T. Davis, of California
Frank DeParis, of Virginia
Shelly J. Dittmar, of New York
Katya Dmitrieva, of New York
Andrea Susana M. Donnally, of Florida
Jed Taro Dornburg, of the District of Columbia
Daniel S. Duane, of New York
Julie A. Eadeh, of Michigan
Michael G. Edwards, of Washington
Kiera Lacey Emmons, of California
Richard J. Faillace, of New Jersey

Joseph T. Farrelly, of the District of Columbia
Yuriy R. Fedkiw, of Ohio
Julia C. Fendrick, of Maryland
Timothy J. Fingarson, of Maryland
Andrea Finnegan, of New York
Rees M. Fischer, of Florida
Michael Kevin Fitzpatrick, of Maryland
Christopher T. Friefeld, of Virginia
Thomas Barry Fullerton, Jr., of Tennessee
Enrique Rodrigo Gallego, of Illinois
Angela Louise Gemza, of Minnesota
Anita Ghildyal, of Missouri
Matthew Bryant Golden, of California
Candace A. Graves, of North Carolina
John H. Gregg, of Alabama
Jason Kamata Hackworth, of Washington
Daniel E. Hall, of Arizona
Scott William Hansen, of Virginia
Alexander K. Hardin, of Ohio
Danielle Alisa Harms, of Pennsylvania
Scott Edward Hartmann, of the District of Columbia
Lesley M. Hayden, of Minnesota
Rich Heaton, of California
Maria Herbst Richart, of Alaska
Priscilla A. Hernandez, of Texas
Kary I. Hintz-Tate, of Virginia
Courtney Houk, of Florida
Jerry S. Ismail, of Virginia
Joseph Samuel Jacanin, of Indiana
Richard C. Jao, of New York
Judith M. Johnson, of Texas
Todd M. Katschke, of Illinois
Pamela R. Kazi, of Minnesota
Mary Elizabeth Knapp-Rasay, of Florida
Elizabeth J. Konick, of New York
Bryan K. Koontz, Jr., of Virginia
Stephen Gyula Kovacsics, of Florida
Eric J. Kramp, of Florida
Marybeth Krumm, of California
Jamie Tyler La More, of Arizona
Marsha Ann Lance, of Florida
John C. Letvin, of Florida
Adham Zibas Loutfi, of California
Christian J Lynch, of New York
Thomas H. Lyons, of Tennessee
Michael H. Margolies, of Louisiana
Ann L. Mason, of Michigan
Jennifer J. McAlpine, of Minnesota
Evan McCarthy, of Rhode Island
Robert A. McCutcheon, of Maryland
Shannon Tovan McDaniel, of Missouri
Jason McInerney, of California
John T. McNamara, of New York
Bernadette M. Meehan, of New York
Richard Conrad Michaels, of Arizona
Matthew J. Miller, of Wyoming
Anthony Miranda, of Washington
Rebecca Shira Morgan, of Illinois
Eric G. Morin, of Florida
James M. Morris, of Massachusetts
Joshua C. Morris, of Washington
Oliver John Moss III, of Florida
Junaid Mazhar Munir, of Michigan
Fahez Ahmad Nadi, of New York
Ari Nathan, of California
James Patrick Neel, of Nevada
Peter Neisuler, of Massachusetts
Phillip B. Nervig, of New York
David C. Ng, of Arizona
Sadia Niazi, of Virginia
Sean Patrick O'Hara, of Virginia
Trevor R. Olson, of Idaho
Adam Daniel Packer, of Indiana
Christine D. Parker, of Illinois
Walter Parrs Ill, of New York
Dexter C. Payne, of Virginia
Jonathan R. Peccia, of Illinois
Robert Patrick Peck, of Florida
Elizabeth Lynne Perry, of Massachusetts
Timothy C. Phillips, of California
Michael Edward Pignatello, of the District of Columbia
Cynthia L. Plath, of California
Mary Elizabeth Rose Polley, of Virginia
Jennifer Kathleen Purl, of California
Sara M. Revell, of Texas
Jason Bradley Rieff, of the District of Columbia
Bernadette Eileen Roberts, of Michigan
Benedict Robinette, of Virginia
Scott Ashton Robinson, of California
Jacquelyn Burke Rosholt, of Minnesota
Adam Douglas Ross, of Connecticut
Jeff Rotering, of North Dakota
Ruth Ellen Rudzinski, of Colorado
Emmett J. Ryan, Jr., of Montana
Kirk Harris Samson, of Wisconsin
Janet Nicole Sanders, of Arkansas
Gabrielle Hayes Sarrano, of Virginia
Briana L.M. Saunders, of Minnesota
Karen P. Schinnerer, of Michigan
J. Michelle Schohn, of North Carolina
Dawn M. Schrepel, of Texas
Vanessa A. Schulz, of the District of Columbia
Shelly A. Seaver, of Florida
June A. Shin, of California
John H. Silson, of Ohio
Daniel E. Slaven, of Texas
Patrick T. Lowinski, of Texas
Beth Moser Smith, of Virginia
Brian Kenneth Stimmler, of Florida
Christy Melicia Watkins Stoner, of Virginia
Amy L. Storrow, of Texas
Bryan Richard Switzer, of California
Matthew Alan Taylor, of Florida
Paul S. Thomas, of Colorado
Anthony Dean Tranchina, of New York
Shawn Harris Tribe, of California
Karen K. Tsai, of New York
Frank F. Tu, of California
Michael Turner, of California
Susan Lea Unruh, of Texas
Adam Richard Vogelzang, of Michigan
Jason Vorderstrasse, of California
Jocelyn Ann Vossler, of California
Sharon Ann Weber-Rivera, of New York
Helaena Wossum White, of Tennessee
Scott Lee Whitmore, of New Hampshire
John David Wilcock, of Virginia
Emily L. Williams, of Minnesota
Patrick C. Williams III, of West Virginia
Rachel Elizabeth Wolfe, of Virginia
Carson H. Wu, of Virginia
Michael H. Young, of California
Stacie Zerdecki, of Texas
Melanie Anne Zimmerman, of Maryland
Jim Zix, of Oregon

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Lawrence G. Johnson, of California
Tracy T. Perrelli, of the District of Columbia
Lisa Rigoli, of Virginia

The following-named Career Members of the Foreign Service of the Department of State for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Kurt Walter Tong, of Virginia

Career Member of the Senior Foreign Service, Class of Counselor, and Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Lonnie J. Price, of Virginia

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of the following nominations: Mary Ann Glendon to be Ambassador to the Holy See, PN 1028; Charles Larson to be Ambassador to Latvia, PN 1087; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Mary Ann Glendon, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Charles W. Larson, Jr., of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security Committee be discharged from the following nominations: Steven Murdock to be Director of the census, PN 660; Jeffrey Runge to be Assistant Secretary for the Health Affairs and Chief Medical Officer, PN 826; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Steven H. Murdock, of Texas, to be Director of the Census.

DEPARTMENT OF HOMELAND SECURITY

Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee and the Banking Committee be discharged of the following nominations:

Scott Burns, to be Deputy Director of National Drug Control Policy, PN692; Cynthia Dyer, to be Director of the Violence Against Women Office, PN827; Nathan Hochman, to be Assistant Attorney General, PN1052; Joseph Russoniello, to be U.S. attorney, PN1070; Alan Mendelowitz, to be Director of Federal Housing Finance Board, PN989; Christopher Padilla, to be Under Secretary of Commerce for International Trade, PN861; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF COMMERCE

Christopher A. Padilla, of the district of Columbia, to be Under Secretary of Commerce for International Trade.

DEPARTMENT OF JUSTICE

Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice.

Nathan J. Hochman, of California, to be an Assistant Attorney General.

Joseph P. Russoniello, of California, to be United States Attorney for the Northern District of California.

EXECUTIVE OFFICE OF THE PRESIDENT

Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy.

FEDERAL HOUSING FINANCE BOARD

Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the following nominations:

Tracy Justesen, to be Assistant Secretary for Special Education, PN1051; Carol D'Amico, PN244; and Eric Hanusek, PN243, to be members of the board of directors of the National Board for Education Sciences; that the nominations be confirmed, the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action, and the Senate return to legislation session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF EDUCATION

Tracy Ralph Justesen, of Utah, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

NATIONAL BOARD FOR EDUCATION SCIENCES

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences.

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the following nominations:

Howard Radzely, to be Deputy Secretary of Labor, PN562; Stuart Ishimaru, to be a member of the Equal Employment Opportunity Commission, PN845; Gregory Jacob, to be Solicitor for the Department of Labor Statistics, PN944; Keith Hall, to be Commissioner of Labor Statistics, PN944; Douglas Webster, to be Chief Financial Officer at the Department of Labor, PN964; that the nominations be confirmed, the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF LABOR

Howard Radzely, of Maryland, to be Deputy Secretary of Labor.

Gregory F. Jacob, of New Jersey, to be Solicitor for the Department of Labor.

Keith Hall, of Virginia, to be Commissioner of Labor Statistics, Department of Labor.

Douglas W. Webster, of Virginia, to be Chief Financial Officer, Department of Labor.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

NOMINATIONS

Mr. LEAHY. Mr. President, as the first session of the 110th Congress concludes, we should note that the Senate has worked hard on executive nominations. In addition to confirming 40 lifetime appointments to the Federal bench, we confirmed 21 of this President's nominations for high-ranking executive branch positions, including the confirmations of nine U.S. attorneys, four U.S. marshals, and eight other important positions. We achieved these numbers in a year when our investigation into the mass firing of U.S. attorneys, which triggered a host of resignations by senior White House and Justice Department officials, led the Judiciary Committee to devote significant time to rebuilding the integrity and independence of the Justice Department.

We held hearings on nine executive nominations, including 2-day hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States and another hearing on the nomination of Judge Mark Filip to be Deputy Attorney General of the United States, the top two positions at the Justice Department. We also held hearings on the nominations of Michael J. Sullivan to be Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Ronald Jay Tenpas to be Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Ondray T. Harris to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan J. Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

We favorably reported 20 executive nominations, and the full Senate has proceeded to confirm 21 executive nominations, including 4 additional nominations discharged from the Judiciary Committee and confirmed today, those of Joseph P. Russoniello to be U.S. attorney for the Northern District of California, Cynthia Dyer to be Director of the Violence Against Women Office, Julie L. Myers to be Assistant Secretary of Homeland Security, and Nathan J. Hochman, to be Assistant Attorney General of the Tax Division at the Justice Department.

I understand that Republican holds have prevented the confirmation of Michael J. Sullivan to be Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I especially thank those Senators who have given generously of their time to chair confirmation hearings throughout the year.

These nominations come at a critical time for the Nation. Over the course of this year, during which the Judiciary Committee investigated the firing of U.S. attorneys, we faced the most serious threat to the effectiveness and professionalism of the Justice Department since Watergate and the Saturday Night Massacre. Under this President, the Justice Department suffered a severe crisis of leadership that allowed our justice system to be corrupted by political intluence. The crisis of leadership that led to numerous resignations and has taken a heavy toll on the tradition of independence that has long guided the Department and protected it from political influence. This crisis has also taken a heavy toll on morale at the Department and in confidence among the American people.

Our work to restore the Justice Department also including reporting nine U.S. attorney nominations: James Russell Dedrick to be U.S. attorney for the Eastern District of Tennessee, Thomas P. O'Brien to be U.S. attorney for the Central District of California, Edward Meacham Yarbrough to be U.S. attorney for the Middle District of Tennessee, Rosa Emilia Rodriguez-Velez to be U.S. attorney for the District of Puerto Rico, Joe W. Stecher to be U.S. attorney for the District of Nebraska, John Wood to be U.S. attorney for the Western District of Missouri, Diane J. Humetewa to be U.S. attorney for the District of Arizona, Gregory A. Brower to be U.S. attorney for the District of Nevada, and Edmund A. Booth, Jr. to be U.S. attorney for the Southern District of Georgia. Some replace outstanding U.S. attorneys who were fired almost a year ago as part of the ill-advised, partisan plan to fire well-performing U.S. attorneys.

We also reported the nominations of four U.S. marshals: Michael David Credo for the Eastern District of Louisiana, Esteban Soto III for the District of Puerto Rico, John Roberts Hackman for the Eastern District of Virginia, and Robert Gideon Howard, Jr., for the Eastern District of Arkansas.

We also reported the nominations of Julie L. Myers to be Assistant Secretary of Homeland Security, Dabney Langhorne Friedrich to be a member of the U.S. Sentencing Commission, and Beryl A. Howell to be a member of the U.S. Sentencing Commission.

Just this week, with only a few legislative days left to us before the Christmas holidays and the end of this session, our committee held two hearings for executive nominations.

Our track record shows that the Judiciary Committee has been working hard to make progress. Of course, when the White House fails to timely send us nominations to fill vacancies, it makes it that much harder.

The White House has made an abysmal effort to send nominees to the Senate to replace the fired U.S. attorneys and to fill vacancies in those districts and many others. There are now 19 districts with acting or interim U.S. attorneys instead of Senate-confirmed

U.S. attorneys. That is nearly a quarter of all districts. Yet the White House has nominated only 3 people for these 19 spots. Of course, some of these could have been filled a year ago had the White House worked with the Senate.

I have urged the President to fill the remaining executive vacancies with nominees who will restore the independence of Federal law enforcement. Last month, the White House announced with great fanfare its intent to make nominations for key positions at the Department of Justice. It was only weeks later that several of these nominations were sent to the Senate. The delays in sending U.S. attorney nominees and others to the Senate follow the many months of delay where the White House failed to send nominees to fill vacancies that have been open since the summer, or before.

In the course of the committee's investigation into the unprecedented mass firing of U.S. attorneys by the President who appointed them, we uncovered an effort by officials at the White House and the Justice Department to exploit an obscure provision enacted during the PATRIOT Act reauthorization to do an end-run around the Senate's constitutional to confirm U.S. attorneys. The result was the firing of well-performing U.S. attorneys for not bending to the political will of political operatives at the White House.

I have repeatedly emphasized that when it comes to the Justice Department and to the U.S. attorneys in our home States, Senators have a say and a stake in ensuring fairness and independence in order to insulate Federal law enforcement function from untoward political influence. That is why the law and the practice has always been that these appointments require Senate confirmation. The advice and consent check on the appointment power for U.S attorneys is a critical function of the Senate.

I had hoped when the Senate voted overwhelmingly to close the loophole created by the PATRIOT Act when we passed S.214, the Preserving United States Attorneys Independence Act of 2007, by a vote of 97 to 0, it would send a clear message to the administration to make nominations that could receive Senate support and begin to restore an important check on the partisan influence in law enforcement. Yet, even as we closed one loophole, the administration has been exploiting others to continue to avoid coming to the Senate. Under the guidance of an erroneous opinion of the Justice Department's Office of Legal Counsel, the administration has been, employing the Vacancies Act authority to use acting U.S. attorneys and the power to appoint interim U.S. attorneys sequentially. They have used this misguided approach to put somebody in place for 330 days without the advice and consent of the Senate. This approach runs afoul of congressional intent and the law.

By not providing us with the nominations to the highest ranking vacancies within the Justice Department and not providing the basic background materials needed to review such nominations before the Thanksgiving recess, the administration has once again foreclosed the opportunity to have these nominees considered by the Senate and in place this year. Those nominations will now necessarily carryover into the next session. That is unfortunate and was unnecessary.

We will continue to make progress when we can, and I will urge the White House to work with the Senate to fill these vacancies.

NOMINATION OF JON WELLINGHOFF AND JOE KELLIHER

Ms. CANTWELL. Mr. President, I will support the Senate moving forward on the confirmation of Jon Wellinghoff and Joe Kelliher to be members of the Federal Energy Regulatory Commission. While I am pleased that FERC has been using its expanded authority granted by Congress in the Energy Policy Act of 2005 to pursue manipulation in the electricity and natural gas markets, I think it is critically important to remind FERC of its statutory duty to oversee the energy markets and protect consumers.

In light of evidence of market manipulation in the Western electricity crisis in 2001, I fought hard to ban market manipulation in electricity and natural gas markets. My amendment, adopted by Congress as part of the Energy Policy Act of 2005, provided FERC new authority under the Federal Power Act and Natural Gas Act to investigate and punish market manipulation in electricity and natural gas markets.

I am pleased to see that FERC has used this expanded authority to conduct 64 investigations. According to FERC, 13 of these investigations have resulted in settlements involving the payment of civil penalties or other monetary remedies totaling over $40 million. Two investigations have resulted in FERC bringing enforcement actions for alleged market manipulation against Amaranth Advisors LLC for $291 million in civil penalties and Energy Trading Partners for $167 million in civil penalties. Amaranth's shenanigans cost consumers upwards of $9 billion dollars during the summer of 2006.

However, I want to remind FERC of its responsibilities relating to protecting consumers under the Federal Power Act's statutory ''just and reasonable'' standard. In section 1290 of the Energy Policy Act of 2005, which I authored, Congress directed FERC to exercise its Federal Power Act authority to enforce ''just and reasonable'' rates when it reviewed the validity of termination payment claims made by Enron during the Western energy crisis of 2000–2001.

After entering into power contracts in a market that Enron manipulated, several utilities, including the Snohomish Public Utility District in my State, the Nevada Power Company and Sierra Pacific Power Company in Nevada, terminated their contracts with Enron or watched as Enron terminated them when the company's web of fraudulent accounting was revealed in late 2001. As a result, Enron tried to squeeze hundreds of millions of dollars of termination fee payments from the electricity consumers of these utilities. In my opinion, these payments demanded by Enron were certainly neither just nor reasonable.

After enactment of the Cantwell amendment, the Snohomish Public Utility District in my State and several other entities including the Nevada Power Company, asked FERC to exercise its Federal Power Act authority, which includes enforcing ''just and reasonable'' rates, and deny Enron the ability to charge the fraudulent termination payments.

Using the force of the Cantwell amendment, these Washington State and Nevada utilities were able to avoid protracted litigation and settle Enron's absurd termination fee claims, saving these utilities from paying hundreds of millions in unjust payments on contracts that Enron fraudulently induced. This has helped save electricity consumers of Washington and Nevada hundreds of millions of dollars.

This spring, the U.S. Supreme Court will review a decision of the U.S. Court of Appeals for the Ninth Circuit which declared that FERC failed to use its authority under the Federal Power Act to enforce ''just and reasonable'' rates. In a brief to the Supreme Court in this matter, FERC recently took the position that it was free to approve long-term contracts arising out of the 2000–2001 Western power crisis notwithstanding evidence that, in the words of Stanford University energy economist Dr. Frank Wolak, suppliers to the Western markets during this period were ''able to exercise market power at unprecedented levels'' resulting in ''prices vastly in excess of competitive levels.''

As the Ninth Circuit's opinion makes clear, if FERC adopts market-based rates, it has an obligation to ensure that the markets operate properly and it cannot simply assume that a contract is just and reasonable even if the contract is the product of a manipulated market, such as the experienced in the West during 2000–2001.

It is troublesome that FERC continues to argue that it is free to ignore evidence of market manipulation and market power abuse when reviewing contracts affected by that abuse. Moreover, this position is inconsistent with its recent emphasis on enforcement of market standards. FERC's position in the Supreme Court essentially could allow market abusers to protect their ill-gotten gains by locking them up in contracts, undermining any incentive they might otherwise have to obey market rules and report abuses by other market participants.

While I am pleased that Commissioner Wellinghoff's response to my

questions indicates that he does not agree with FERC's brief in this matter, I will continue to watch FERC very closely as this case moves forward. FERC is the sole forum to bring complaints of market power abuse and manipulation in electricity and natural gas, markets, and I fully expect FERC to not abrogate its Federal Power Act responsibilities to protect consumers and enforce ''just and reasonable'' rates.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the minority leader, and after consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, pursuant to Public Law 106–398, as amended by Public Law 108–7, appoints the following individual as a member of the United States—China Economic Security Review Commission: Daniel A. Blumenthal of the District of Columbia, for a term expiring December 31, 2009.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, December 21, and that on Friday, the Senate meet in pro forma session only, with no business conducted; that at the close of Friday's session, the Senate then meet in pro forma session, with no business conducted, on the following days and following times and recess after each session: Sunday, December 23, at 11 a.m.; Wednesday, December 26, at 9:30 a.m.; Friday, December 28, at 10 a.m.; Monday, December 31, at 10 a.m., and that at the close of the pro forma session on December 31, the Senate stand adjourned sine die, pursuant to S. Con. Res. 61, as amended, until 12 noon, Thursday, January 3, 2008, for a pro forma session only, and the Senate then recess until Monday, January 7, at 9 a.m., to meet in pro forma session, as provided previously, and meet on the following days and recess over each period: Wednesday, January 9, 11 a.m.; Friday, January 11 at 9:30 a.m.; Tuesday, January 15, at 11 a.m.; and Friday, January 18, at 10 a.m.; that at the close of that session, the Senate then reconvene on Tuesday, January 22, at 10 a.m.; that the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, and the time be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final portion, and that the Senate then proceed to S. 1200, as previously provided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M., FRIDAY, DECEMBER 21, 2007

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:22 p.m., recessed until Friday, December 21, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

DEANNA TANNER OKUN, OF IDAHO, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE KARAN K. BHATIA.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

DEPARTMENT OF HOMELAND SECURITY

ROBERT D. JAMISON, OF VIRGINIA, TO BE AN UNDER SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT G. MCSWAIN, OF MARYLAND, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS, VICE CHARLES W. GRIM, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMSHEED K. CHOKSY, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE LAWRENCE OKAMURA, TERM EXPIRING.

DAWN HO DELBANCO, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE DARIO FERNANDEZ-MORERA, TERM EXPIRING.

GARY D. GLENN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE STEPHAN THERNSTROM, TERM EXPIRING.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE JEWEL SPEARS BROOKER, TERM EXPIRING.

MARVIN BAILEY SCOTT, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010, VICE THOMAS K. LINDSAY, RESIGNED.

CAROL M. SWAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE SIDNEY MCPHEE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MANUEL POZOALONSO, 0000

To be major

RACHELLE A. RETOMA, 0000

NOMINATIONS RETURNED TO THE PRESIDENT

Wednesday, December 19, 2007

The following nominations transmitted by the President of the United States to the Senate during the first session of the 110th Congress, and upon which no action was had at the time of the December recess of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE AIR FORCE

AIR FORCE NOMINATION OF COL. MARK W. TILLMAN, 0000, TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH COL. LARRY L. ARNETT AND ENDING WITH COL. GILBERTO S. PENA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2007.

ARMY NOMINATION OF COL. MARC L. WARREN, 0000, TO BE BRIGADIER GENERAL.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CEDRA DANIELLE EATON AND ENDING WITH DANNY J. SHEESLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JULIA A. STEWART AND ENDING WITH DEBORAH WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANNE H. AARNES AND ENDING WITH MELISSA ANN WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PAMELA E. BRIDGEWATER AND ENDING WITH FRONTIS B. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFERY A. LIFUR AND ENDING WITH MARWA ZEINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH S. NAJLAA ABDUS-SAMAD AND ENDING WITH LONNIE J. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2007.

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

The Senate Committee on Homeland Security and Governmental Affairs was

discharged from further consideration of the following nominations and the nominations were confirmed:

STEVEN H. MURDOCK, OF TEXAS, TO BE DIRECTOR OF THE CENSUS.

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR.

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012.

GREGORY F. JACOB, OF NEW JERSEY, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

The Senate Committee on the Judiciary was discharged from further consideration of the following nominations and the nominations were confirmed:

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations and the nominations were confirmed:

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2014.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, December 19, 2007:

FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2012.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF COMMERCE

TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BENJAMIN ERIC SASSE, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

CHRISTINA H. PEARSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

FEDERAL ENERGY REGULATORY COMMISSION

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2013.

DEPARTMENT OF DEFENSE

JAMES SHINN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MARY BETH LONG, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

JOHN H. GIBSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

CRAIG W. DUEHRING, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

DEPARTMENT OF TRANSPORTATION

FRANCIS MULVEY, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2012.

CARL T. JOHNSON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL R. SEWARD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JOSEPH R. CASTILLO, 0000
CAPT. DANIEL R. MAY, 0000
CAPT. PETER V. NEFFENGER, 0000
CAPT. CHARLES W. RAY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) WILLIAM D. BAUMGARTNER, 0000
REAR ADM. (LH) MANSON K. BROWN, 0000
REAR ADM. (LH) CYNTHIA A. COOGAN, 0000

DEPARTMENT OF HOMELAND SECURITY

ROBERT D. JAMISON, OF VIRGINIA, TO BE AN UNDER SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

STEVEN H. MURDOCK, OF TEXAS, TO BE DIRECTOR OF THE CENSUS.

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

DEPARTMENT OF EDUCATION

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

DEPARTMENT OF HOMELAND SECURITY

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR.

GREGORY F. JACOB, OF NEW JERSEY, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

DEPARTMENT OF STATE

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ROGER A. BRADY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD Y. NEWTON III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WALTER D. GIVHAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. SHELTON, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ALLYSON R. SOLOMON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER F. BURNE, 0000
COL. DWIGHT D. CREASY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT B. ABRAMS, 0000
COLONEL RALPH O. BAKER, 0000
COLONEL ALLEN W. BATSCHELET, 0000
COLONEL PETER C. BAYER, JR., 0000
COLONEL ARNOLD N.G. BRAY, 0000
COLONEL JEFFREY S. BUCHANAN, 0000
COLONEL ROBERT A. CARR, 0000
COLONEL GARY H. CHEEK, 0000
COLONEL KENDALL P. COX, 0000
COLONEL WILLIAM T. CROSBY, 0000
COLONEL ANTHONY G. CRUTCHFIELD, 0000
COLONEL JOSEPH P. DISALVO, 0000
COLONEL BRIAN J. DONAHUE, 0000
COLONEL PATRICK J. DONAHUE II, 0000
COLONEL PETER N. FULLER, 0000
COLONEL WILLIAM K. FULLER, 0000
COLONEL WALTER M. GOLDEN, JR., 0000
COLONEL PATRICK M. HIGGINS, 0000
COLONEL FREDERICK B. HODGES, 0000
COLONEL BRIAN R. LAYER, 0000
COLONEL RICHARD C. LONGO, 0000
COLONEL ALAN R. LYNN, 0000
COLONEL DAVID L. MANN, 0000
COLONEL LLOYD MILES, 0000
COLONEL MARK A. MILLEY, 0000
COLONEL JOHN W. NICHOLSON, JR., 0000
COLONEL HENRY J. NOWAK, 0000
COLONEL RAYMOND P. PALUMBO, 0000
COLONEL GARY S. PATTON, 0000
COLONEL MARK W. PERRIN, 0000
COLONEL WILLIAM E. RAPP, 0000
COLONEL THOMAS J. RICHARDSON, 0000
COLONEL STEVEN L. SALAZAR, 0000
COLONEL RAYMOND A. THOMAS III, 0000
COLONEL PAUL L. WENTZ, 0000
COLONEL LARRY D. WYCHE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. R. STEVEN WHITCOMB, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN A. MACDONALD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. DANA K. CHIPMAN, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS L. CELLETTI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID P. VALCOURT, 0000

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CEDRA DANIELLE EATON AND ENDING WITH DANNY J. SHEESLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JULIA A. STEWART AND ENDING WITH DEBORAH WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANNE H. AARNES AND ENDING WITH MELISSA ANN WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PAMELA E. BRIDGEWATER AND ENDING WITH FRONTIS B. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFERY A. LIFUR AND ENDING WITH MARWA ZEINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH S. NAJLAA ABDUS-SAMAD AND ENDING WITH LONNIE J. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2007.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOSEPH V. TREANOR III, 0000, TO BE COLONEL.

AIR FORCE NOMINATION OF PAMALA L. BROWNGRAYSON, 0000, TO BE MAJOR.

AIR FORCE NOMINATION OF ALICIA J. EDWARDS, 0000, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH THERESA D. BROWNDOONQUAH AND ENDING WITH CHERYL A. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY J. HOFFMANN AND ENDING WITH GERALD B. WHISLER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KELLEY A. BROWN AND ENDING WITH MARK A. NIELSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN R. SHAW AND ENDING WITH NATALIE L. RESTIVO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH WILLIAM E. ACKERMAN AND ENDING WITH MARK A. VAITKUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH RACHEL A. ARMSTRONG AND ENDING WITH VERONICA A. THURMOND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH VIVIAN T. HUTSON AND ENDING WITH LAURIE E. SWEET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH GARY D. COLEMAN AND ENDING WITH PAUL E. WHIPPO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATION OF LILLIAN L. LANDRIGAN, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH SARAH B. GOLDMAN AND ENDING WITH MICHEAL B. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATIONS BEGINNING WITH RICKY A. THOMAS AND ENDING WITH JOSEPH PUSKAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF TARNJIT S. SAINI, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF BOCKARIE SESAY, 0000, TO BE MAJOR.

ARMY NOMINATION OF DEBORAH MINNICKSHEARIN, 0000, TO BE MAJOR.

ARMY NOMINATION OF STEPHEN L. FRANCO, 0000, TO BE MAJOR.

ARMY NOMINATION OF GEORGE QUIROA, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH DAVID N. GERESKI AND ENDING WITH CLINT E. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF KIMBERLY K. JOHNSON, 0000, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ALAN JONES AND ENDING WITH CHANTAY P. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATIONS BEGINNING WITH MARIAN AMREIN AND ENDING WITH D060583, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF DANIEL J. JUDGE, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH RICHARD HARRISON AND ENDING WITH GREGORY W. WALTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH JOE R. WARDLAW AND ENDING WITH NICKOLAS KARAJOHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH VANESSA M. MEYER AND ENDING WITH JAMES E. ADAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATION OF QUINDOLA M. CROWLEY, 0000, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH PAUL A. MABRY AND ENDING WITH ROBERT PERITO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH JOSEPH M. ADAMS AND ENDING WITH D060256, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH ANTHONY J. ABATI AND ENDING WITH D060260, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID P. ACEVEDO AND ENDING WITH X1408, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATION OF ROBERT A. STOHLMAN, 0000, TO BE CAPTAIN.

COAST GUARD NOMINATION OF RAYMOND S. KINGSLEY, 0000, TO BE LIEUTENANT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH LILLIAN G. K. BREEN AND ENDING WITH ANNA-ELIZABETH B. VILLARDHOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE NAVY

NAVY NOMINATION OF HORACE E. GILCHRIST, 0000, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD W. SISK AND ENDING WITH JOHN T. SCHOFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEPHEN W. ALDRIDGE AND ENDING WITH KRISTOFER J. WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 19, 2007 withdrawing from further Senate consideration the following nomination:

ROBERT D. JAMISON, OF VIRGINIA, TO BE UNDER SECRETARY FOR NATIONAL PROTECTION AND PROGRAMS, DEPARTMENT OF HOMELAND SECURITY, VICE GEORGE W. FORESMAN, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4, 2007.

EXTENSIONS OF REMARKS

TRIBUTE TO CIRCLE SEAL CONTROLS 60TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to Circle Seals Controls, which celebrated its 60th anniversary in Corona, California. On November 29, 2007, I was proud to attend the anniversary celebration.

Circle Seal has a long, proud tradition of quality manufacturing in southern California. Circle Seal's home for the last 15 years is also my hometown—Corona. The state-of-the-art facility has 300 employees and provides equipment for military and commercial aircraft, U.S. Navy ships, the Space Shuttle, and other rocket and missile applications.

The evolution of the industrial defense base has allowed the U.S. government to get out of the manufacturing business and let contractors, who can do it better and cheaper, provide essential platforms and components. Without Circle Seal's expertise, our F–18s, Global Hawks and V–22s don't get off the ground. Right now, our troops are relying on the products made by Circle, and the pride the employees take in their work is a part of the success on the battlefield. I thank Circle Seal for all their hard work and their relentless pursuit of excellence.

Circle Seal's past successes have ensured a continued relationship with the U.S. government—I'm proud to see that the company also contributes to the C–17, the KC–767 Tanker and the Navy LCS programs. Their demonstrated reliability and quality are exactly what the government needs. I look forward to a continued strong relationship with Circle Seal and, again, I commend the company on their anniversary and—most importantly—the people who make Circle Seal a valued and integral part of the community.

TRIBUTE TO THE MIDLAND ROCKHOUNDS

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONAWAY. Madam Speaker, I rise today to salute my hometown baseball team, the Midland RockHounds, as they received the John H. Johnson President's Trophy honoring them as the best team in Minor League Baseball.

The Midland RockHounds, owned by Miles Prentice and Bob Richmond, are a community institution in the Permian Basin. Miles and Bob both have a deep passion for America's pastime, and it shows in the success of the RockHounds. Together with their management team, headed by longtime General Manager Monty Hoppel, Miles and Bob have created one of the most successful teams in the history of the Texas League.

Under the direction of Miles, Bob, and Monty, the RockHounds have twice won the Texas League Championship and have been honored as the Double-A organization of the year. In choosing the RockHounds as the recipients of the President's Trophy, Minor League Baseball has recognized the many years of hard work and deep community involvement as the best in the nation.

The RockHounds would not be the team they are today without the people of the Permian Basin who have generously rewarded their efforts with over 270,000 clicks of the turnstile this year alone—a franchise attendance record.

In addition to fielding a great ball club, the RockHounds management works tirelessly to raise money for the community—especially local schools and youth sports organizations. Led by the hugely successful West Texas Sports Banquet and Memorabilia Auction, the RockHounds participated in over 80 fundraisers this year and helped to raise over $100,000 this year for programs in the Permian Basin.

The President's Trophy is the most coveted award in Minor League Baseball as it is given in recognition of ''overall franchise excellence''. It takes into account the success of the franchise, its relationship with the surrounding community, and its contributions to baseball. On all of these measures, the Midland RockHounds are a model team and I am honored to represent the organization and its fans here in Washington.

Madam Speaker, it is with great pride and tremendous respect that I recognize the achievements of the Midland RockHounds today. Their successes on and off the baseball field have made the Permian Basin a better place to live and I can think of no team more deserving to earn the 2007 John H. Johnson President's Trophy.

TO HONOR PAUL VICTOR LINSTROM

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Paul Victor Linstrom who was born May 31, 1926, in Whitewood, SD. Paul attended school in Sturgis, SD. He joined the Navy in August of 1943, finishing his high school GED and naval training at the U.S. Naval Training Station at Farragut, ID. He was listed as a graduate of the class of 1944 at Sturgis High School. He was assigned to the *Pierre Victory* troop transport ship as a signalman and spent his military tour in the South Pacific. Paul was honorably discharged from the Navy in July 1946.

Paul married Isabelle Gerhard on September 21, 1946, in Sturgis, where he started his truck driving career for his Dad's business. Paul and his family moved to Rapid City in 1950 where he started a 25-year career as an over-the-road, sleeper, truck driver for United Buckingham Transport. He also drove for AMOCO Oil Co. of Rapid City from 1975 to 1990, when he retired.

He loved fishing, hunting, traveling and camping in the Black Hills as well as and throughout the American West, Mexico, and Canada. In 1965, he helped organize the ''Black Hills Hillbillies'', a camping club associated with the Red Dale National Campers Club, serving as the Head Scout for the Hillbillies and hosting a number of National Rallies in South Dakota, as a 36-year member.

Paul and Isabelle spent 10 years wintering in Apache Junction, AZ, meeting many new friends in the RV Park and taking bus trips in Arizona, California and Mexico. Paul and Isabelle raised two daughters, Paula Kay LaPorte, who is married to John LaPorte, and Deborah Ann Phelps, who is married to Mike Phelps. They have four grandchildren and four great-grandchildren.

Madam Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country whose citizens willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Paul for his dedicated service to our Nation. Paul is an American hero who left his home to defend our Nation, and then returned home to be a valued member of his community, showing his children and grandchildren how to live meaningful lives of service. Paul truly is the embodiment of all the values that have molded America into the great Nation it is today. May God bless Paul and his family, may God bless our precious veterans, and may God bless America.

CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Ms. SCHAKOWSKY. Mr. Speaker, I rise in opposition to H.R. 1585, the National Defense Authorization Act. Although this bill includes some very important provisions, like the private security contracting language I fought so hard to include, I am unable to support this legislation because it authorizes $41.8 billion to continue the war in Iraq. It is unfortunate that this funding was part of this bill because otherwise I would have been proud to vote for this legislation. Nevertheless, I am very proud of the provisions to increase oversight and transparency over private security contractors, which Representative PRICE, Senator OBAMA and I worked so hard to include in this bill.

This bill contains important provisions to regulate private security contractors, including nearly all of the provisions from H.R. 897, the Iraq and Afghanistan Contractor Sunshine Act, which I introduced in February to give Congress access to the basic information necessary for us to do our job of providing gravely needed oversight of private contractors. The Defense Authorization Act would give Congress access to information about contractors in Iraq and Afghanistan including a description of each contract, the value of each contract, the total number of personnel employed on contracts and the total number of contractors killed or wounded. I am happy to see these provisions from my legislation included in today's bill.

The series of lethal incidents involving private security contractors in Iraq over the past 2 months have made it crystal clear that we must provide oversight of private contractors. This National Defense Authorization Act would increase oversight by the Department of Defense and the Department of State by mandating that they create clear regulations to govern contractor conduct, investigate any violent incidents like the September 16th Blackwater shooting, and clarify contractors' use of force.

Further, any new contract signed 180 days after the bill is enacted would have to contain a clause saying that contractors must comply with the new regulations and that all contract personnel performing private security contracts understand that they must comply with U.S. laws and the laws of the host country, orders issued by the combatant command, rules on the use of force, and any investigation into violent incidents conducted by DOD. If they do not comply, their contract could be terminated. This will create a powerful tool that the United States could use to ensure that private security contractors follow the law and are held responsible for their actions.

The National Defense Authorization bill also goes a long way toward restoring troop readiness. It includes a badly needed 3.5 percent pay raise for servicemembers and prohibits increases in TRICARE and pharmacy user fees. The bill also includes the Wounded Warrior Act to address the problems experienced by wounded and injured servicemembers that became apparent earlier this year at Walter Reed.

I also support the increase in the number of visas for the brave Iraqis who have worked with the United States and have been targeted for their efforts.

While I cannot vote for the bill because it includes $41.8 billion for the war in Iraq without a withdrawal deadline, I would like to thank Chairman SKELTON for addressing so many of my concerns about bringing accountability to private contracting and to the wars in Iraq and Afghanistan.

RECOGNIZING DAVID LOUIS RELIC FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Louis Relic, 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, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David 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 David Relic 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 A RESOLUTION CELEBRATING 35 YEARS OF SPACE-BASED OBSERVATIONS OF THE EARTH BY LANDSAT SPACECRAFT AND LOOKING FORWARD TO SUSTAINING THE LONGEST, CONTINUOUS RECORD OF CIVIL EARTH OBSERVATIONS OF THE LAND

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a House resolution to celebrate 35 years of space-based observations of the Earth by Landsat spacecraft, an accomplishment that has helped revolutionize our understanding of the Earth's land surface as well as enable a wide range of applications of Landsat data that have had significant societal benefits.

The Landsat program began with the launch of the first civilian Earth observation satellite on July 23, 1972, by the National Aeronautics and Space Administration, NASA. The satellite, originally known as the Earth Resources Technology Satellite, was later renamed Landsat 1. Since the first Landsat satellite, five follow-on spacecraft have been successfully launched to continue the space-based collection of land data. This series of Landsat satellites has established the longest, unbroken record of data on the global land surface.

The extensive three and a half-decade record of Landsat data has allowed scientists to study changes to the Earth's land cover over time, including changes influenced by both human and natural causes. The applied uses of the data have served numerous purposes, including natural resource management, land use planning, cartography, and food security, to cite just a few examples.

The data collected through the Landsat program are being used by many Federal agencies including NASA, the Department of the Interior and its U.S. Geological Survey, the Department of State, the Environmental Protection Agency, the Department of Defense, the Department of Agriculture, the Department of Justice, the Department of Transportation, and the Department of Homeland Security and its Federal Emergency Management Agency, among others. In addition, academic institutions, State, county, and local governments, private industry, foreign governments, and non-governmental organizations are users of Landsat data. The broad application of these data for scientific and societal benefit testifies to the Nation's sound investment in a public good.

My home State of Colorado has two companies that demonstrate the excellent commercial applications that have developed from the initial Federal investments made in space-based remote sensing exemplified by the Landsat program. DigitalGlobe in Longmont and GeoEye in Thornton have both become international leaders in the remote sensing fields.

I think it is important for this body to express our collective thanks to the many scientists, engineers, and program personnel who have contributed to Landsat's success over the past three and a half decades. As a result of their efforts, Landsat data has become an indispensable source for a host of beneficial applications that have improved our quality of life and enhanced our economic vitality. In addition, Landsat data are important scientifically. For example, the U.S. Climate Change Science Program has recognized the significance of the Landsat program, noting that "Landsat data are invaluable for studying the land surface and how it affects and is affected by climate."

However, while today's resolution recognizes the benefits we have accrued from past investments in the Landsat program, it is clear that more can be gained from this program in the years to come. I urge my colleagues to join me in ensuring that the benefits that are possible from civil space-based land observations, as well as from commercially available remote sensing systems, continue to be realized. By supporting the research, technology, education, and tools required to improve Landsat data collection and applications, we can look forward to further scientific advancements and societal benefits from this critical national asset.

Madam Speaker, in closing, I again want to salute all those who helped make Landsat possible and who work to maintain its continued successful operation, and I hope that my colleagues will join me in supporting this resolution.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CARTER. Madam Speaker, on December 17, 2007, I was unable to be present for two rollcall votes due to technological complications with my vote notification system.

If present, I would have voted accordingly on the following rollcall votes: rollcall No. 1163—"aye"; rollcall No. 1164—"aye."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on December 17, 2007:

H. Res. 856, Resolution expressing heartfelt sympathy for the victims and families of the

shootings in Omaha, Nebraska, on Wednesday, December 5, 2007. On the Motion to Suspend the Rules and Agree (rollcall No. 1163), I would have voted ''aye.''

H. Res. 851, Resolution honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007. On Motion to Suspend the Rules and Agree (rollcall No. 1164), I would have voted ''aye.''

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Ordering the Previous Question (rollcall No. 1165), I would have voted ''no.''

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Agreeing to the Resolution (rollcall No. 1166), I would have voted ''no.''

H. Con. Res. 271, Sine Die Adjournment resolution of the 1st Session of the 110th Congress. On Agreeing to the Resolution (rollcall No. 1167), I would have voted ''no.''

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Ordering the Previous Question (rollcall No. 1168), I would have voted ''no.''

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Agreeing to the Resolution (rollcall No. 1169), I would have voted ''no.''

H.R. 4286, To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma. On Motion to Suspend the Rules and Pass (rollcall No. 1170), I would have voted ''aye.''

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 1st House amendment (rollcall No. 1171), I would have voted ''no.''

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 2nd House amendment (rollcall No. 1172), I would have voted ''no.''

H. Con. Res. 254, Resolution recognizing and celebrating the centennial of Oklahoma statehood. On the Motion to Suspend the Rules and Agree (rollcall No. 1173), I would have voted ''aye.''

SUPPORTING THE ''PERFORMANCE RIGHTS ACT''

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ISSA. Madam Speaker, I rise today in support of the ''Performance Rights Act,'' which was introduced today. This legislation, long in the making, has the simple goal of requiring that those who generate revenue from the use of music, pay for the use of music.

Terrestrial broadcasters have a strong and meaningful relationship with the American public. There are few of us who do not have wonderful memories that are accompanied by music played over a radio, and fewer still who have not tuned in to hear news, traffic or emergency information. The American radio tradition is akin to apple pie or baseball. It is part of the American consciousness, and, with the help of HD radio, will remain so.

Even so, the past few decades have seen huge changes in how people consume music. Terrestrial radio once dominated new music awareness. This fact meant that if a consumer wanted to buy a song, they were likely to hear it on the radio first. Radio therefore had a dramatic promotional impact on music sales. However, even at the outset of mass music broadcasting in the United States, when Congress exempted terrestrial radio from paying artists a royalty, terrestrial radio was making money off of artists' work and paying nothing for it.

As time went on and records lost market share to 8-tracks, cassettes, CDs, and now MP3s, and terrestrial radio lost market share to cable radio, internet radio and satellite radio, consumer dependence upon terrestrial radio gradually decreased. Terrestrial radio no longer serves the same promotional role for music sales that it once did, but terrestrial radio is still exempt from paying a royalty to artists. Additionally, the other music platforms do pay for the right to broadcast music.

The ''Performance Rights Act'' encourages parity in music broadcasting by requiring terrestrial broadcasters to pay for the music they use. Stations that gross over $1,250,000 will negotiate with artists to pay a fair royalty. ''Small'' stations, those grossing under that amount, can opt to pay a flat rate of $5,000. Public broadcasters can elect to pay a flat rate of $1,000. Talk radio that only uses music incidentally is exempt from paying as are religious services. All together, approximately 77 percent of all radio will have to pay artists virtually nothing to use music. This bill is not the boogeyman that detractors will make it out to be.

However, this bill is, I believe, unfinished. The songs that individuals consume via terrestrial, satellite, cable, and internet radio contain the same notes and the same voices regardless of which platform does the broadcasting. Yet they pay different rates, sometimes vastly different rates. We need to look further into these disparities, and I look forward to working with Chairman HOWARD BERMAN and others on correcting any inconsistencies in current law.

The arguments that supported exempting terrestrial radio from paying a performance right have been eroded by the passage of time and technological innovation. We all yearn for the nostalgia of yesteryear and American terrestrial radio is a big part of that, but our recollections of the past do not support injustices into the future. Radio has changed. Terrestrial radio should pay for the right to use the music from which it benefits.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 41, U.S. CODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This bill was prepared by the Office of the Law Revision Counsel, as part of its functions under 2 U.S.C. § 285(b).

This bill is essentially identical to H.R. 5414, favorably reported by the Committee on the Judiciary in the 109th Congress, updated to incorporate enactments that took place after the earlier bill was prepared.

This legislation is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel Web site at http://uscode.house.gov/cod.

The Committee on the Judiciary hopes to act on this bill after providing an opportunity for public review and comment. In addition to sharing concerns with the Committee, interested persons are invited to submit comments to Ken Paretzky, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515–6711, (202) 226–9061.

TRIBUTE TO DR. RICHARD AMOS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to recognize Dr. Richard Amos upon his departure as Deputy to the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) at Redstone Arsenal in Huntsville, AL. Dr. Amos is stepping down at the end of this year to pursue opportunities outside of Federal service.

Madam Speaker, this is the second time that I have risen to honor Dr. Amos in the CONGRESSIONAL RECORD, a rare tribute in my 17 years in Congress. Dr. Amos, a native of Huntsville, has served as the Deputy to the Commanding General since 2004. In this position, he is the top civil servant at Redstone. He is responsible for managing over 11,000 military and civilian employees and tasked with providing our Nation's warfighters with the most up-to-date technology and tools.

Dr. Amos was promoted to the Senior Executive Service in 2000 and previously served as the Director of the System Simulation and Development Director at the Aviation and Missile Research Development and Engineering Center (AMRDEC) also located at Redstone. Throughout his tenure, he has diligently worked to serve our soldiers and ensure the Army is able to meet the ever-changing needs of our country.

Madam Speaker, today his family, friends, and colleagues throughout the North Alabama defense community celebrated his Federal service and accomplishments. I rise to join them in their tribute and to thank Dr. Amos for his many years of Federal service. I wish him the very best for the future.

IN TRIBUTE TO THE MEMORY OF VESTER EUGENE SHULER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise to pay tribute to the memory of Vester Eugene Shuler whose warm heart and love of music touched many lives in Colorado. Gene was born in Choestoe, GA, and first came to Colorado when he was 13 years old to work in the sugar beet fields in Weld County. He traveled back and forth between Georgia and Colorado frequently in his early years and later raised his family in North Park Colorado.

Gene spent summers working in Colorado while attending school in Georgia. He proudly served in the United States Army and was sent to Germany in 1945. During his tour of duty he was a mechanic who supervised a garage. He returned home to Georgia to marry his sweetheart Loujine Young on July 17, 1948.

The young couple soon headed west and spent time working and living with Gene's brother Grady and his wife Ethel. They later moved to North Park where Gene worked as a welder and mechanic with Ozark Mahoney. A labor strike closed the mine and sent the young family to California to spend some time with relatives. They soon returned to North Park, living in Cowdrey, Pine Springs and finally Walden. Gene worked for the Wilford Garage, Cooper Motors and the Sigma Coal Mines.

Music played a large part of Gene's life. As a young boy Gene stuttered. He began playing music at a young age; it gave him a way to say things he couldn't make out in words. He realized that he could do with music what he couldn't do with words. He knew when it was time to start the music and what music everyone loved to hear. If you knew him at all, then he knew your favorite song. He truly loved the time he shared with the people he cared about.

Gene and Loujine raised 2 children, Carl Shuler and Gwen Hanson. They were blessed with 5 grandchildren and 6 great-grandchildren. They enjoyed traveling and visited Georgia, Florida, Texas, California, Wyoming, Arizona and many places in between.

Gene's life was a lesson in how to enjoy life, honor God, care for others, face difficulties with courage, and make a positive impact on the world. I am proud to honor Gene, a precious veteran, who is the embodiment of all the values that have molded America into the great Nation it is today. May God bless his family, may God bless our veterans, and may God bless America.

RECOGNIZING JUSTIN COLBY SCHULTZ FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin Colby Schultz, 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, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many Scout activities. Over the many years Justin 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 Justin Schultz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING THE COLORADO ROCKIES ON WINNING THE NATIONAL LEAGUE CHAMPIONSHIP

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. UDALL of Colorado. Mr. Speaker, I rise today in support of this resolution congratulating the Colorado Rockies on their National League Championship and first-ever franchise appearance in the World Series.

The entire Colorado delegation joined me in introducing the resolution, and it is now cosponsored by more than 50 other Members of Congress. I greatly appreciate their support.

The Rockies defied the odds this year by making it to the World Series, capturing the best hopes of Coloradans and giving us all a reason to cheer for their success. Despite a tough loss to a great team in the Boston Red Sox, we remain proud of the Rockies' efforts and astonished at their historic rise to the top of the National League.

Toward the close of the season, the Rockies were the underdogs in the National League pennant race. The challenge of making the playoffs seemed as large and daunting as the mountain range for which the Rockies were named, but the team maintained an optimism and competitive spirit that kept them alive long after commentators had written them off. Winning 21 of their last 22 games prior to the World Series—an unprecedented feat in baseball history—the Rockies rolled over expectations and swept the Arizona Diamondbacks in the NLCS.

The World Series proved to be a bigger challenge than the Rockies could surmount, and they lost in four games to a very talented Red Sox team. Despite the losses, the Rockies carried themselves with dignity and true sportsmanship, giving Coloradans something to be proud of.

As the father of two young athletes I can say that the way the Rockies carried themselves is a tremendous example for our young people. We would have loved to have seen the Rockies bring home a victory this year, but, as Red Sox outfielder Manny Ramirez said during the ALCS, there's always next year. I know I am not alone in looking forward to watching some great Rockies baseball in the future.

I urge all our colleagues to join me in congratulating the Colorado Rockies on a great season and in thanking them for serving as great examples of professional athletes practicing sportsmanship.

THE ''PERFORMANCE RIGHTS ACT'' OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BERMAN. Madam Speaker, today, I join my colleagues in both the House and the Senate in introducing "The Performance Rights Act" of 2007. This legislation is a first step at ensuring that all radio platforms are treated in a similar manner and that those who perform music are paid for their work.

This narrowly tailored bill amends a glaring inequity in America's copyright law—the provision in section 114 that exempts over-the-air broadcasters from paying those who perform the music that we listen to on AM and FM radio. For as long as I have been working on the intellectual property subcommittee, I have been troubled by this policy that sets America apart from every other developed country in the world. The purpose of the bill is to take a necessary step towards platform parity so that any service that plays music pays those who create and own the recordings—just as satellite, cable, and internet radio stations currently do.

I understand that this legislation raises some difficult political issues. Several people have expressed some very legitimate concerns—like the need to accommodate small broadcasters, the possibility of jeopardizing the revenues earned by songwriters and music publishers, or expanding the scope of the law governing music played in restaurants and other public venues. So let me begin by clarifying how we have narrowly tailored this legislation—

(1) The bill repeals the current broadcaster exemption—but it does not apply to bars, restaurants and other venues, or expand copyright protection in any other way.

(2) The bill provides an accommodation of protection for small and non-commercial broadcasters by setting a low flat annual fee with no negotiation, litigation or arbitration expenses. Nearly 77 percent of existing broadcasting stations in this country—including college stations and public broadcasters—will pay only a nominal flat fee, rather than having to pay a percentage of their revenues as royalties.

(3) The bill extends copyright protection to artists, musicians, and the sound recording labels—it does not harm or adversely affect the revenues rightfully paid to songwriters and other existing copyright owners.

For over 20 years I have been convinced that fairness mandates that all those in the creative chain from the artist, musicians and others who bring the recording to life—get compensated for the way they enrich our lives. The U.S. is the only developed country in the world that does not require privately owned over-the-air radio stations to compensate those performers who create the music that broadcasters use to attract the audience that generate their ad revenues. Because of music, radio is able to profit. Not compensating those who create the music is unfair and ultimately harmful to music creation that benefits everyone—including the broadcasters. Furthermore, the law requires all other platforms in the U.S., including satellite and Internet radio, to compensate the copyright owner.

Songwriters and music publishers rightly do get paid when their song is played on the radio, but the artist whose voice or musical talent brings in the ad revenue for the station never receives a penny from the station. That means that under existing law, when you hear ''White Christmas'' on the radio this holiday season, the estate of Irving Berlin will get paid for the words and music that he wrote. But the estate of Bing Crosby will not—even though it is the tone and texture of his voice that symbolizes Christmas for so many. This disparity makes no sense. Therefore, in an effort to begin the journey towards parity among platforms and fairness to artists, the bill as introduced will affect three areas where there is currently disparate treatment:

Platform parity—Never in the past have there been more engaging technological platforms which offer music to consumers at almost any time, in any format. Especially with the roll-out of HD, ''hybrid digital,'' radio which will provide greater choice, it becomes harder to justify an exemption for any one platform. Both the radio station, regardless of the platform, and the performer benefit from the playing of music over the air. But only one party, the station, gets to keep the revenue it generates. While stations use music to get their ad revenue, they gladly leave others to pay the artist for another use of the music. It is certainly true that on all platforms there are differing degrees of promotion that may benefit the artist. That is why the Copyright Royalty Board takes into consideration any promotional element and adjusts the compensation to the artist appropriately.

While calling the performance right a ''tax'' might make for good rhetoric, it is also good rhetoric to call it ''corporate welfare'' when the U.S. Code compels copyright owners, artists, and musicians to give broadcasters their music for free. It is simply time to eliminate this anachronistic and unjustified subsidy.

International parity—During a recent meeting in Nashville President Bush was asked about this issue. When he was told that broadcasters in every country in the world except for China, Iran, North Korea, and Rwanda pay a performance right, he rightfully observed, ''it sounds like we're keeping interesting company.''

Because America does not have an adequate performance right, our own artists and musicians cannot receive royalties when their music is played on radio stations outside the U.S. In many countries between 20–50 percent of the music played abroad is ''American-made'' and because of the lack of reciprocity, we are denying our performers millions of dollars in revenue.

Rights parity—Songwriters have long been compensated for the songs that are played on the radio—as they should be. However, just as there would be nothing for musicians to play without notes, and nothing for the artist to sing without the words, there is also nothing for a DJ to play without a recorded song.

Our kids know the song ''Breakaway'' because Kelly Clarkson recorded it—but few know that it was written by Avril Lavigne. Does it make sense for Lavigne to get paid but for Clarkson not to get paid? The fact that Patsy Clines' estate is not compensated for over-the-air performances of her singing ''Crazy'' seems crazy. Shouldn't performers be paid as well?

One of America's greatest treasures is its intellectual property. In cities and towns across the Nation and in countries around the world, American music is heard throughout the streets. People are consuming more music than ever. Yet the music industry is in crisis. The total value for the music industry at retail declined from $14.5 billion in 1999 to $11.5 billion in 2006. So, any claim that radio should get a free ride because so-called ''free airplay'' contributes to record sales just isn't true. Record sales have fallen 18 percent since 2000.

In 1995 Congress took a step forward and established a limited performance right for digital sound recordings. Yet, the performance right Congress created with one hand was taken away with other, by exempting all terrestrial broadcasts.

Cable, satellite, and Internet radio services are granted a statutory license to broadcast music as long as they pay the defined fee determined by the Copyright Royalty Board. This bill extends the statutory licensing requirement to terrestrial broadcasters to avoid an unfair advantage. I do note however, that as we discuss reform of the section 114 license—other issues will likely arise such as, the standard to be used in determining royalty rates, the sound recording complement, and treatment of ephemeral copies.

We are fortunate that with the evolution of new technologies there are many legal music distribution services currently available. Cable, Internet, and satellite platform providers all compete to provide consumers their choice of music, anytime, in any place, in any format. While I am encouraged by the many options, I am concerned that the government seems to be giving preference to one platform over the others by exempting over-the-air broadcasters from compensating owners of the music which they use to grow their business. This bill seeks the appropriate balance between promoting the creativity of music and fostering innovation. Following is a section-by-section summary of the legislation:

Section 1. Short title

This Act may be cited as the ''Performance Rights Act.''

Section 2. Equitable treatment for terrestrial broadcasts

This section repeals the exemption for terrestrial broadcasters and makes conforming changes by deleting references to the word ''digital'' from the types of audio transmissions that are subject to a performance right. With these changes, all terrestrial (over-the-air) broadcast transmissions, including analog audio transmissions, would be subject to sound recording performance rights thereby providing parity for the technologies currently covered under the section 114 license.

Section 3. Special treatment for small and non-commercial Public Broadcasting stations; and religious stations and certain uses

This section would create an accommodation for certain qualifying broadcasters from the negotiation and arbitrated rate-setting. Instead, such broadcasters would pay a prescribed flat fee or would retain their current exemption.

For small broadcasters who make revenue less than $1.25 million and therefore are concerned about the uncertainty of the rate and the impact on the growth and viability of their business—this section sets a flat annual royalty fee of $5,000 per year for any individual station (even those part of a larger radio network) with no litigation, negotiation, arbitration, royalty board proceeding or licensing costs.

Furthermore, for non-commercial/public broadcast stations (irrespective of size) the rate is capped at $1,000 per year per station.

Finally, for those stations that broadcast religious services or make ''incidental use of musical sound recordings'' such as brief musical transitions in and out of commercials or program segments, or brief performances during news, talk and sports programming there is an outright exemption.

Section 4. Availability of per program license

This section allows terrestrial radio stations to obtain program licenses for sound recordings (at separately set rates), in lieu of blanket licenses. In some cases, a radio station may not make many featured uses of music, for example a mixed-format station. In such cases, rather than requiring a station to pay a general blanket license fee in the same amount paid by a station that primarily makes featured uses of music, this section requires the Copyright Royalty Board to establish a ''per program license'' so that such stations can choose only to pay for the music they use, which may be less costly than the general blanket license. This parallels the licenses offered by the performance rights organizations for performing the underlying musical copyright.

Section 5. No harmful effects on songwriters

Finally, this section protects the songwriters from the impact of providing this new performance right. In the first instance, the bill adopts the songwriters' suggestion to remove the prefatory language which merely expressed ''the intent of Congress'' not to diminish the royalties of the songwriters. Furthermore, it includes the express indication that nothing in the Act shall adversely affect the royalties to songwriters.

I do not want to suggest that this bill is a ''perfect'' solution. But it is an appropriate starting place. I know there are other parts of section 114 that need to be reformed as well, and therefore will begin to examine additional provisions in the coming months. Furthermore, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

This bill attempts to strike a balance between providing adequate protection to our musicians and artists and continuing to support new innovative technologies. My goal is to preserve the legitimate marketplace by providing a technology neutral structure or at least one with parity for all services that appropriately pay for the music. I hope the parties can work together to reach further consensus on how to achieve parity between technologies and provide rightful compensation to our artists and musicians.

We hope that with introduction of this companion bill in the House to the Performance Rights Act in the Senate, Congress will act quickly to level the playing field between technologies and ensure rightful compensation to performers.

HONORING THE LIFE OF GRACE CARLTON ALLEN

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CASTOR. Madam Speaker, I rise today to honor the life and legacy of Grace Carlton Allen, and to commend her contributions to the University of South Florida.

"Amazing Grace," as she was nicknamed by former Tampa Congressman Sam Gibbons, was born in North Dakota in 1908. She attended the University of South Dakota and the University of Minnesota, where she graduated with degrees in English and Secondary Education. After graduation, Allen taught high school English and secondary education.

She met her husband, John Allen at the University of Minnesota, and they married in 1933. The couple moved to Gainesville, Florida in 1948, where her husband was appointed President of the University of Florida, and from 1954 to 1955, Grace served as the University of Florida's interim First Lady.

In 1957, John was named as the first president of a yet unnamed and newly established university in Tampa. Grace and her husband moved to Tampa, where they would remain for the rest of their lives. As classes weren't scheduled to start until 1960, the Allens themselves, shaped what would later be known as the University of South Florida.

The summer before the University opened its doors, "Amazing Grace" invited all of USF's wives and female staff members to her home. With this group of women, she established the USF Women's Club, which remains active on campus today as a social, cultural, and philanthropic organization. In 1994, the USF Women's Club endowed the Grace Allen Scholarship, and within the first ten years of being established, it awarded 119 full tuition scholarships for excellence in academics, leadership, and service.

Another endowed fund of the USF Women's Club was given to the University in Mrs. Allen's name to provide funds to the university's library.

The Allens were one of the first families to live in the Tampa neighborhood of Carrollwood, where Grace also made her mark. She started a tradition where residents set luminaries outside of their homes on Christmas Eve. Pilots have been known to divert their planes over the neighborhood to see the lights each year.

When John retired from the University in 1970, the Board of Regents named USF's administration building after John and Grace in recognition of their lasting contributions to the university community. In 1996, USF awarded Grace the honorary degree of Doctorate of Humane Letters.

Until her death on December 16, 2007 at the age of 99, Grace remained an active member of and advocate for the University of South Florida's community. She is remembered as a powerful spokesperson for academic excellence, and as a caring, spirited woman by the countless friends, staff members and students whose lives she touched.

The Tampa community honors the life of Grace Allen for her outstanding contributions to the University of South Florida and the Tampa Bay area. Her life serves as an inspiration and will continue to influence the lives of people in our community for years to come.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

December 17, 2007: Rollcall vote 1163, on motion to suspend the rules and agree to the resolution—H. Res. 856, expressing heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007—I would have voted "aye."

Rollcall vote 1164, on motion to suspend the rules and agree to the resolution—H. Res. 851, honoring local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007—I would have voted "aye."

Rollcall vote 1165, on ordering the previous question—H. Res. 873, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules—I would have voted "nay."

Rollcall vote 1166, on agreeing to the resolution—H. Res. 873, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules—I would have voted "nay."

Rollcall vote 1167, on agreeing to the resolution—H. Con. Res. 271, providing for the sine die adjournment of the first session of the 110th Congress—I would have voted "nay."

Rollcall vote 1168, on ordering the previous question—H. Res. 878, providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—I would have voted "nay."

Rollcall vote 1169, on agreeing to the resolution—H. Res. 878, providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—I would have voted "nay."

Rollcall vote 1170, on motion to suspend the rules and pass—H.R. 4286, to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma—I would have voted "aye."

IN RECOGNITION OF JIMMY BRISTOW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize James E. "Jimmy" Bristow of West Columbia, South Carolina for his many years of public service to the people of South Carolina and the country, and congratulate him on a successful year of leadership as President of Ruritan National.

Ruritan National is a national civic organization made up of 33,000 members with 1,178 clubs in 25 States. Since its founding in 1928, Raritan has built a strong reputation as one of our Nation's leading community service organizations. Under the excellent leadership of Mr. Bristow, Ruritan has continued to grow and make a substantial and positive impact in the community.

Mr. Bristow is a graduate of The Citadel with 31 years of experience working with community businesses. He now serves as vice president and resident construction lender for Security Federal Bank. In addition to his work with local businesses, Mr. Bristow is a life-long member of the Mount Hebron United Methodist Church where he has taught Sunday school for 22 years. Over the last decade, he has served as Scoutmaster for Troop 331 of the Indian Waters Council of the Boy Scouts of America.

For his years of public service, Mr. Bristow has received numerous honors and recognitions including the Order of the Silver Crescent from South Carolina Governor Mark Sanford—the State's highest honor given for volunteer and community service.

I am grateful for Mr. Bristow's service to his community. I want to recognize and thank his wife Fran and their three sons—Jeremy, Andrew, and Ryan—for their years of support, and wish them many more years of happiness.

INTRODUCTION OF H.R. 1413

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. LOWEY. Madam Speaker, I rise in strong support of H.R. 1413, which would create a pilot program testing the effectiveness of physically screening 100 percent of airport workers with access to secure and sterile areas at seven airports across the country.

I want to thank Homeland Security Chairman BENNIE THOMPSON, Ranking Member PETER KING, Representative GINNY BROWN-WAITE and the other members of the Homeland Security Committee for their support of this legislation. I also want to thank Rosaline Cohen, Michael Stroud and Matt Washington from the majority staff of the committee, Coley O'Brien and Jennifer Arangio from the minority staff, and Justin Wein from my staff.

Meticulously screening passengers but giving workers open access is like installing an expensive home security system but leaving your back door wide open.

In 2001, Congress recognized that while we were investing significant resources in screening passengers and their baggage, we needed to close the backdoor of airports as well. That's why we passed the Aviation and Transportation Security Act which required the Transportation Security Agency to screen all airport workers.

Yet, nearly six years after September 11th and passage of legislation requiring the physical screening of all airport workers, astonishingly TSA has failed to implement this basic policy or set a deadline for doing so.

At Heathrow Airport, the busiest international airport in the world, 100% of workers are screened, yet TSA refuses to acknowledge the national security benefits of following the same procedures here at home.

We know there is criminal activity taking place at some of our airports. Just this year alone, there have been frightening security breaches at Orlando International Airport, the arrest of a former airport worker as part of a

terrorist plot involving John F. Kennedy Airport in New York, a gaping lapse in security in Phoenix, and the arrest of illegal immigrants working at Chicago's O'Hare Airport with expired and false security badges.

And if there is criminal activity, certainly we should be considering the possibility of terrorist activity taking place. We cannot wait for the next security breach to occur for us to take action.

H.R. 1413 attempts to deal with the very real and serious threats that face commercial aviation today. By passing this legislation and appropriating funds to implement it—which are included in the FY08 Homeland Security Appropriations bill—we are acting on the recommendations of the 9/11 Commission to prevent and protect against any possible insider threats.

I know some in labor and industry favor the use of alternative methods and technologies, such as biometrics to increase security at our airports. I am not opposed to biometric technology; however, those technologies do not exist for full implementation today in the aviation sector, and as we have seen with the TWIC card, the delays could last years in rolling out this measure across aviation.

This legislation is not aimed at any specific group of workers, the vast majority of whom are hard-working, law-abiding citizens. Instead it is a bipartisan approach to measure the feasibility and effectiveness of closing this loophole in our airport security.

I urge my colleagues to support H.R. 1413, and I yield back the balance of my time.

TRIBUTE TO ANTHONY IURILLI

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CROWLEY. Madam Speaker, I rise to pay tribute to the life and accomplishments of Anthony Iurilli, who passed away on Sunday, November 25, 2007 at age 38 after a long battle with multiple sclerosis.

Mr. Iurilli, known as Tony, exemplified the ideals that many of us aspire to: commitment to education, a love of community service, and devotion to his family and friends.

Tony was blessed with extraordinary athletic talent. He was a 1986 graduate of St. Raymond High School for Boys in the Bronx, where he lettered in both baseball and basketball. In his senior year, he was named to the All-City Baseball Team by three New York metropolitan newspapers—Newsday, the NY Daily News and the NY Post, and he was awarded a New York Yankees Scholarship to Pace University. There, he was the starting shortstop on the baseball team for four years, graduating in 1990 with a solid B average.

Tony's priorities were faith, family, school, and community. After college, he worked as Director of Recreation for HIV/AIDS patients at Bronx Lebanon Hospital, and he taught American history, health, and physical education at St. Helena's elementary school in the Bronx. He then returned to his alma mater, St. Ray's, to teach American history and health education, and to foster the athletic abilities of students who followed in his path. He coached the school's varsity and junior varsity bowling teams, and he served as the head junior varsity baseball coach and the assistant varsity baseball coach. As JV basketball coach, he led the St. Raymond's Ravens to Catholic High School All-City championships in 2003 and 2005.

While at St. Raymond, Tony was diagnosed with multiple sclerosis, a disease that may have crippled his body, but never his mind or spirit. Last summer, he served as best man at his beloved brother Frank's wedding in New York before moving to Florida for medical treatment. He returned to St. Ray's to be honored by faculty, alumni, and friends at a benefit dinner in mid-October.

Madam Speaker, this is a difficult time for all those who knew and loved Tony Iurilli. It is my hope that they will be strengthened by the memory of his selflessness, his bright smile, and his wonderful spirit.

Madam Speaker, I ask my colleagues to join me in recognizing Tony's all too brief, but wonderful life of commitment and community service.

RECOGNIZING TYLER EVAN ARTHUR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Evan Arthur, 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, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. Over the many years Tyler 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 Tyler Arthur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE WALTON COUNTY 2007 OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Kenneth Pridgen family for being selected the Walton County 2007 Outstanding Farm Family of the Year. More than one generation of involvement in agriculture has led this farm family to serve as a model of stewardship to society through a vitally important industry.

The Pridgen family is more than deserving of this year's award. Kenneth's father was himself raised working in agriculture, and he passed on the significance of their industry to his son, who in turn has involved his family in this work. Kenneth and his family recognize the contribution that agriculture makes to all of society, including putting food on the tables of families throughout the entire country.

Every year, the North Florida Fair Association honors farm families in counties throughout North Florida that display leadership through farming techniques and agricultural production. The Farm Family of the Year award conveys the importance of farm families' contributions to some of society's largest needs including food, clothing, and building supplies. Recognition of their work, as conveyed by this award, encourages others in the community to become involved and support local agriculture as well.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled in all of the Kenneth Pridgen family. It is my hope that this family tradition continues for many future generations.

ACCOUNTABILITY AND TRANSPARENCY IN MEDICARE MARKETING ACT OF 2007

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CASTOR. Madam Speaker, I am proud today to introduce the Accountability and Transparency in Medicare Marketing Act of 2007. This legislation will serve as a companion bill to S. 1883, introduced in the Senate by Mr. HERB KOHL.

With recent reports from the Government Accountability Office addressing the failure of CMS to audit Medicare Advantage providers along with recent reports of marketing abuses and fraudulent practices aimed at seniors, this legislation is timely and imperative.

We have heard reports that many Medicare providers seek to mislead seniors for private financial gain. In fact, seniors are frequently confronted with such practices as cold calling, misleading sales pitches to purchase unnecessary products, or being pushed to enroll in private Medicare Advantage programs that are not within their best interests.

WellCare Health Plans, which is headquartered in my hometown of Tampa, was raided by the FBI in October for suspected fraudulent practices. WellCare is among the largest national providers of Medicare and Medicaid managed care plans with 2.3 million members nationwide.

Three quarters of states have reported complaints about inappropriate or confusing marketing practices which lead Medicare beneficiaries to enroll in private plans without adequately understanding the consequences of their decision or that Medicare Advantage is optional.

Some seniors have lost access to their regular doctors after signing up for a private plan that their doctor does not accept. However, when sold the plan, the private company assured that this would not occur.

Frighteningly, some providers have been accused of selling to seniors with dementia and using scare tactics to force beneficiaries to enroll. Others have been offered cash incentives for enrolling.

All of these scams and efforts to mislead seniors for private financial gain are a result of the lack of standardized regulations and real accountability. It has been reported that the government pays private Medicare Advantage insurers an average of $9,000 a year for each person enrolled. Private insurance agents receive between $350 and $600 commission for each person they enroll. With nearly nine million Americans currently enrolled in these private plans, the profits going to these insurers and away from America's health care system is astronomical.

Without a standard method used for regulation, the financial gain of private insurers will continue to rise at the health expense of seniors and the personal and financial stress of all Americans.

We must implement transparency requirements that will ensure companies are held accountable and publicly identified, in the event of marketing abuses. The Accountability and Transparency in Medicare Marketing Act of 2007 will address all of these issues. It will create standardized marketing practices to be enforced by the National Association of Insurance Commissioners (NAIC). These standard practices will exclude telemarketing and cold calling, deceptive selling and other abusive practices.

This bill will create transparency by requiring that all violations be reported to the Secretary of Health and Human Services and in turn reported to Congress.

Additionally, this legislation will require the NAIC to create a committee to study and make recommendations to the Secretary and Congress on the establishment of standardized benefit packages for Medicare Advantage plans.

This legislation will help us to continue our effort to make Medicare safe, beneficial and accountable to our seniors, family care givers and all Americans. It will enforce regulations that will demand ethical and helpful tactics. It will alleviate private insurers unfairly benefiting from the hard-earned dollars of all American families. Further, we will provide seniors and family care givers with the protection and care that they deserve. It is our responsibility to keep fraud and unethical practices from plaguing our health care system, and the Accountability and Transparency in Medicare Marketing Act of 2007 seeks to help us step up to this duty.

COMMEMORATING THE 40TH ANNIVERSARY OF THE COLLAPSE OF THE SILVER BRIDGE

HON. CHARLES A. WILSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. WILSON of Ohio. Madam Speaker, I rise today to commemorate one of the worst infrastructure disasters this Nation has ever seen. On December 15, 1967, at about 5 p.m., the Silver Bridge collapsed. It spanned the Ohio River from Gallia County in my district to Mason County West Virginia. That disastrous accident killed 46 people. Most of them had just left work and were headed home. This horrible tragedy, which was the result of the failure of a single eye-bar supporting the bridge, spurred Congressional action that led to the first federal bridge inspection requirements.

Madam Speaker, I wish I could announce today that our nation wisely learned the lesson of the Silver Bridge Collapse. Unfortunately, the more recent collapse of the I–35 bridge in Minneapolis shows just how much our infrastructure has decayed because of inadequate investment. While I am glad that the appropriations bill we passed last night includes investment in bridges, I am convinced that much more work needs to be done.

On this 40th anniversary, let us take a moment to remember the 46 people killed in the Silver Bridge collapse. Even 40 years after the disaster, their absence is felt by their families and communities. Let us resolve today to honor their memories by doing all we can to ensure that the bridges, tunnels and roads that make up our nation's byways are safe and secure.

TRIBUTE TO THE CITY OF McLEANSBORO, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the city of McLeansboro, Illinois upon receiving the Governor's Cup Award for efforts to build a youth playground in the city park.

The Kids Kingdom Playground was made possible thanks to a donation by the Jerry and Bobbye Sloan Hand-in-Hand Foundation as well as thousands of volunteer hours. I have had the opportunity to visit the Kids Kingdom Playground with Coach Sloan and I can attest that this is an excellent addition to the park for the McLeansboro community.

This project is a shining example of the willingness of a community to work together for the greater good. I extend my gratitude to those who made this playground a reality. I am pleased to congratulate the city of McLeansboro and all those who made the Kids Kingdom Playground possible.

HONORING THE INTERNATIONAL BACCALAUREATE PROGRAM AT BARTOW HIGH SCHOOL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. PUTNAM. Madam Speaker, I rise today to congratulate the International Baccalaureate School at Bartow High School in Florida's 12th Congressional District for being recognized as a gold medal school in U.S. News & World Report's first ever ranking of America's Best High Schools.

U.S. News & World Report analyzed over 18,000 public schools across the United States in an effort to find the top 100 public schools. They used a three-step analysis to sort through the many schools taking into consideration how each school's students performed on state tests, evaluating how well each school's disadvantaged students performed, and looking at whether the school was successful in providing college-level coursework. Bartow's IB School placed third among the 100 other gold medal schools. This is quite an accomplishment and I commend the school for leading the way in excellence and for their commitment to empowering young minds.

Bartow High School has a rich history of providing a high caliber education. Distinguished from other high schools in Polk County and from most high schools in Florida, its origin began in 1887 as the Summerlin Institute. Bartow High School is proudly 117 years old and because of its history and tradition, many of its former students have gone on to achieve great success.

Included in this list are distinguished leaders from various professions. Spenssard Holland served as Florida's Governor in the 1940s and as a U.S. Senator from 1946–1970. Army General James Alward Van Fleet served as a commander and led major campaigns in WWII and the Korean War, and President Truman once remarked that he was America's ''greatest general.'' In addition, Kenneth Jerome Riley was honored as a Rhodes Scholar Candidate while attending Florida A&M University and went on to play as an NFL defensive back for the Cincinnati Bengals.

In 1996, Bartow High School embarked on its next endeavor when the school was selected by the International Baccalaureate World School program to offer the International Baccalaureate Diploma program. Students that attend the IB School are challenged with increased expectations in both academic and community involvement, and because of this they graduate ready to compete and enter into a fast-paced world that offers endless opportunities.

The IB School's mission is ''to ensure each student has the opportunity to achieve his or her potential and creatively influence society by providing students with an advanced international curriculum.'' Today, it is my honor to commend Dr. Edwin Vetter and his staff of extraordinary educators, including some who shaped my classroom experience, for their dedication and hard work. It is clear that the commitment by both staff and students surpasses their mission, as the IB School continues to be recognized for its performance, not only in the State of Florida, but across the nation too. As an alumnus of Bartow High School, which hosts the IB school, I look forward to their many future accomplishments.

RECOGNIZING COREY DYLAN JEPSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Corey D. Jepson, 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 and in earning the most prestigious award of Eagle Scout.

Corey has been very active with his troop, participating in many Scout activities. Over the many years Corey 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 Corey D. Jepson 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 ''REDUCING OVER-CLASSIFICATION ACT OF 2007''

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. HARMAN. Madam Speaker, today all Democratic members of the Homeland Security Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment are introducing legislation that will put the Department of Homeland Security on the path to better information sharing by turning back the tide of over-classification that imperils our ability to make America safer from terrorism.

The ''Reducing Over-Classification Act of 2007'' (ROC Act) gives Congress the tools to curtail the federal government's widespread and mushrooming practice of classifying practically everything that moves.

Almost three and a half years ago, the 9/11 Commission made clear the urgent need to eliminate the over-classification of intelligence information by the Federal Government.

The Commissioners found that over-classification interferes with the sharing of critical information between the Federal Government and its State, local, and tribal partners on the front lines of our nation's homeland security efforts.

Sadly, the numbers tell us that we're still not heeding the 9/11 Commission's warning.

According to the Information Security Oversight Office at the National Archives, the number of new classification actions jumped from eight million in 2001 to 14 million in 2005. During the same period, the quantity of declassified pages dropped from 100 million in 2001 to 29 million in 2005.

To make matters worse, we learned this past year that some agencies were withdrawing archived records from public access and reclassifying them.

Together with the exponential growth in the amount of material that is classified, we've seen the level of spending on classification go up considerably.

In 2001, $4.5 billion was spent on classification but by 2004, we were spending $7.1 billion.

In addition, there has been a troubling proliferation of new policies and labels to limit the distribution of sensitive but unclassified information across the Federal Government.

At the Federal level alone, there are over 28 distinct policies for the protection of this ''SBU'' information.

Unlike with classified records, there is no monitoring of or reporting on the use of SBU information markings or its consequences.

The proliferation of these SBU ''pseudo-classifications'' interferes with interagency information sharing—increasing the cost of information security and limiting public access.

It's also an obstacle to sharing information with our first preventers and first responders in the field—precisely what the 9/11 Commission warned against.

During this session, Homeland Security's Subcommittee on Intelligence that I chair has held numerous hearings and received invaluable input from subject matter experts on what first steps to take to address the twin problems of over- and pseudo-classification.

The bill we're introducing today reflects that input.

The goal is simple: make the Department of Homeland Security the ''gold standard'' when it comes to preventing over-classification and to limiting the use of sensitive but unclassified markings.

The only way to ensure that the Department gets it right going forward is to promote an enforceable and understandable strategy that applies to everyone.

DHS is an excellent place to start and—if it gets a handle on its own burgeoning over- and pseudo-classification addiction—can become a ''best practices'' center and the test bed for the rest of the Federal Government.

Accordingly, our bill will require the Secretary of Homeland Security to develop a strategy that will: allow the classification of documents only after unclassified, shareable versions of intelligence have been produced; develop a new ''sensitive and shared'' information program that will provide protections for certain sensitive and unclassified information for limited periods of time under narrowly tailored circumstances; propose new incentives and disincentives to encourage Department personnel to classify documents properly and to use ''sensitive and shared'' markings sparingly; create training programs and auditing mechanisms for all Department employees in order to ensure that the Strategy is being implemented properly; establish an independent Department declassification review board to expedite the declassification of documents when the need for public access outweighs the need to classify; and propose legislative solutions to ensure that the Strategy is implemented in a way that not only promotes security but also fosters both information sharing and the protection of privacy and other civil rights.

Our Subcommittee plans to move this legislation early next year and hopes our colleagues in the House will join us in the effort to ensure that the Federal Government gets accurate and actionable information to those who need it in a timely fashion.

THE 50TH WEDDING ANNIVERSARY OF CONRAD AND FRANCES GASKIN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. McNULTY. Madam Speaker, I rise today to honor Conrad and Frances Gaskin on their 50th wedding anniversary

Both first generation African Caribbean Americans, Conrad and Frances met in elementary school and were married on September 14, 1957 at St. Augustine Roman Catholic Church in the Bronx. Conrad served in the United States Air Force before eventually working for the New York State Teacher's Retirement System. After receiving her doctorate from Fordham, Frances went on to found and serve as a professor for a program in nursing at the Hostos Community College at the City University of New York.

Moving to Albany in August of 1980, the Gaskins helped found an additional Church home in the Faith Community of the Black Apostolate. This later expanded to include St. Joan of Are and Sacred Heart Churches of the Roman Catholic Diocese of Albany, where both serve as Ministers of the Eucharist.

Committed to serving the community, Conrad and Frances continued to stay active and involved after retirement. Conrad coached basketball and swimming while Frances worked for the American Red of America Cross and is a Staff Officer with the United States Coast Guard Auxiliary. They are blessed with three children and five grandchildren.

It is my honor to recognize Conrad and Frances Gaskin and provide my heartfelt congratulations to them on this wonderful event in their lives. I would like to extend my best wishes to the Gaskins and their family on their 50th wedding anniversary.

HONORING CPL TANNER O'LEARY

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. HERSETH SANDLIN. Madam Speaker, I want to take this opportunity to honor the life of CPL Tanner O'Leary, who died December 9, 2007, while serving his country in support of Operation Enduring Freedom in Afghanistan.

Tanner, who was a member of the 82nd Airborne Division based in Fort Bragg, N.C., graduated from Timber Lake High School in 2003. He joined the Army in 2005. He graduated from infantry training in May 2005 and airborne school in June 2005.

The lives of countless people were enormously enhanced by Tanner's compassion and service. He represented the best of the United States, South Dakota, and the Army. His life continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service.

Today, we remember and honor Tanner's noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

I would like to express my condolences to the family and friends of CPL Tanner O'Leary. His commitment to and sacrifice for our country will not be forgotten.

INTRODUCTION OF THE SANTA FE QUADRICENTENNIAL COMMEMORATIVE COIN ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDAll of New Mexico. Madam Speaker, I rise today to introduce the Santa Fe Quadricentennial Commemorative Coin Act. The minting of a commemorative coin will serve as a historic national tribute to the ever-distinct City Different.

Santa Fe was officially elevated by the Spanish settlers from a plaza to a capital city in 1610 and has continued to be a meeting

place and home to all cultures ever since. Santa Fe, to this day, continues to be a government, cultural, religious, and social center. Throughout its history, it has attracted settlers, traders, artists, historians, and tourists, all coming to see what Santa Fe and the surrounding communities have to offer.

The Santa Fe area has long been home to native peoples, centuries prior to European incursions. In fact, some of the tribal communities in the area today have been there for over one thousand years. Arriving centuries later, though still over 400 years ago, the Spanish settlers were integral to the European exploration and settlement of this continent. This legislation honors both the tribal communities and Spanish settlers.

Throughout the city are structures of great historical importance. Built in the 17th Century, the Palace of the Governors was the seat of government for generations and is now the oldest continuously used public building in the United States. It currently serves as the State's history museum, ensuring that current and future generations will be able to learn about the events that shaped New Mexico's past, present, and future.

The creation of the commemorative coin will help in the preparation and celebration of this monumental quadricentennial. The proceeds from the sale of the gold five dollar and silver one dollar coins will be split, with half going towards the 400th Anniversary Committee to support programs to promote the understanding of Santa Fe and its legacies. The rest will go to the Department of Interior to ensure the preservation of Santa Fe, enhance national and international programs, and improve archaeological research activities throughout the area. These are especially important as we continue to learn more about all of the communities that have settled in the area for centuries.

I want to take a moment to thank Senators JEFF BINGAMAN and PETE DOMENICI who are working on this in the Senate, as well as cosponsors Representatives HEATHER WILSON and STEVE PEARCE for their support here in the House. We must all work to preserve the legacy of America's first European communities and the people who came long before, and I am proud the entire delegation has joined together to mark this remarkable milestone.

For the rich blend of cultures steeped in centuries of heritage, it is only fitting that the Congress recognize the 400th anniversary of the Nation's oldest capital originally known as La Villa Real de la Santa Fe de San Francisco de Asis. I urge my colleagues to join me in passing this legislation.

IN MEMORY OF HENRY PRYOR

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Henry Pryor of Camden, Arkansas, who passed away December 9, 2007, at the age of 50.

Henry Pryor was a consummate professional who made a positive impact on the people and businesses he worked with throughout his life, which was abruptly and sadly cut short due to a tragic car accident. His career in banking took him across the United States and he eventually landed in Camden, Arkansas, where he served as Executive Vice President of Heartland Community Bank of Camden, and Senior Vice President of Farmers Bank and Trust of Camden.

Although Henry Pryor had a career in business, his calling and real passion was in community development. The City of Camden and its residents were extremely fortunate to gain from his selfless gifts of time and energy to make his community a better place to live. As a member of the Ouachita County Historical Society, he was instrumental in preserving historic properties in Camden such as the Clifton-Greening Street Historic District. He took a keen interest in seeing businesses flourish throughout Camden and Ouachita County through his service as president of the Camden Area Chamber of Commerce. In addition, he was a graduate of the Leadership Camden area program and he served on numerous area boards and commissions. As a local community leader, he also recognized the vast importance of regional festivals and the impact they had on residents and businesses, through his proud service as chairman of the Annual Camden Daffodil Festival.

I send my deepest condolences to his wife of 21 years, Angela Woodward Pryor of Camden, Arkansas, and to his numerous nephews, nieces and cousins.

Henry Pryor will be missed by his family, his church, his community and all those who knew him and called him a friend. His focus on the community and his spirit of service to others and to his community will never be forgotten. I will continue to keep his family in my deepest thoughts and prayers.

TRIBUTE TO RECIPIENTS OF THE SULLIVAN BROTHERS' AWARD OF VALOR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize three members of the Decorah, Iowa Police Department, Chief Tom Courtney, Captain Warren Leeps, and Officer Sara Stinson, and Volunteer Decorah Firefighter Jeff Ode, as recipients of The Sullivan Brothers' Award of Valor for saving another's life by risking their own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

In January of 2007, Olive Sims crashed her car into a ditch along Division Street in Decorah. Chief Courtney, Captain Leeps, Officer Stinson and Volunteer Firefighter Ode responded to the report and quickly traveled to the scene. Upon their arrival, they discovered the engine compartment of the vehicle was engulfed in flames and that Olive was still inside. Putting their own lives in danger, they acted quickly to remove Olive from the vehicle before the fire department arrived and just before the passenger compartment of the car was fully consumed by fire.

Their bravery goes above and beyond what we are asked of as citizens of this country. Their courage illustrates the compassion of Iowans willing to risk their own lives for a neighbor in need. For this I offer them my utmost congratulations and thanks.

I commend Chief Tom Courtney, Captain Warren Leeps, Officer Sara Stinson and Volunteer Firefighter Jeff Ode for their bravery. I am honored to represent each of them in Congress and I wish them the best in their future endeavors.

RECOGNIZING ZACHARY RYAN WALSH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary R. Walsh, 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 and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary 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 Zachary R. Walsh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

UNITED STATES-CUBA CULTURAL EXCHANGE LETTER TO PRESIDENT BUSH—ACKNOWLEDGEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the U.S.-Cuba Cultural Exchange's letter to President Bush and to enter into the RECORD a copy of their letter.

On November 27, 2007, the U.S.-Cuba Cultural Exchange sent a letter to President Bush that expressed their desire to establish relations with Cuban artists and urged him to take steps to normalize interaction with Cuba. The letter was signed by several artists including Harry Belafonte, Danny Glover, Carlos Santana, and Sean Penn. As of December 11, 2007, the letter has been signed by one thousand four hundred and twelve people.

I applaud the U.S.-Cuba Cultural Exchange for urging President Bush to change the U.S. policy towards Cuba and for raising awareness about how the policy impacts the artist community. Further, I support their movement, which would allow people from both countries to exchange and experience performing and literary arts.

Art in any form including, but not limited to dance, music, and poetry provides a mechanism where by people are able to express themselves, which ultimately represents their culture, identity, and voice. In addition to representing a culture, the selling of artistic goods provides a source of income for artists and substantially contributes to an economy, especially in the U.S.

The artists issue is part of the broader implications with the travel ban and trade embargo, which hurts the U.S. economically, politically, and socially. It is estimated that the U.S. economy loses millions of dollars annually due to the trade embargo. The lack of diplomatic relations prevents any effort to democratize Cuba. There is no way to quantify the cost paid by Cuban Americans who can't visit their loved ones freely.

The United States-Cuba policy is a failure, period. Change is needed now. I urge my colleagues to support my bills, H.R. 624 and H. R. 654, which would lift the embargo and travel ban.

U.S.-CUBA CULTURAL EXCHANGE,
Albuquerque, NM, November 27, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We wish to bring to your attention the accompanying letter, dated October 26, 2007, received from Alicia Alonso, Prima Ballerina and Director of the Cuban National Ballet, and also Goodwill Ambassador for the United Nations Educational, Scientific and Cultural Organization (UNESCO). Ms. Alonso has toured extensively in the United States and her work has long been admired by the American performing arts community, cultural critics and the public.

We are writing you as representatives of the cultural sphere in the United States. We write you as American citizens. We write to express our dismay at your administration's continuing hostility towards Cuba. We write to express our opposition to policies that keep us divided from our Cuban counterparts, preventing cultural interchange between our two countries. We believe the time has come to move towards cooperation and constructive relations with Cuba.

The present policies deny such possibilities of friendship and cultural sharing. We further note that cultural interchanges and relationships are also modes of communication and expression. In denying us the possibility of engaging in such exchanges and relationships, we are being denied our fundamental rights as guaranteed by the 1st, 5th and 14th Amendments of the U.S. Constitution.

This reality seems to run counter to other positions expressed by your Administration. In September 2006, for example, Laura Bush inaugurated your Administration's ''Global Cultural Initiative,'' stating that ''One of the best ways we can deepen our friendships with the people of all countries is for us to better understand each other's culture by enjoying each other's literature, music, films and visual arts.''

As citizens, artists, scholars, educators and cultural workers from all artistic practices, academic disciplines, advocacy and service organizations in the arts, we hope you will read and consider the words of Alicia Alonso as we call upon your Administration to:

1. open a respectful dialogue with the government and people of Cuba in accord with established protocols supported by the community of nations;

2. end the travel ban that prevents U.S. citizens from visiting Cuba and allow for Cuban artists and scholars to visit the United States, thus eliminating the censorship of art and ideas, and

3. initiate, by working with appropriate members of Congress, a process that can result in the development of normal bilateral relations between our countries.

Supporters of Cultural Exchanges with Cuba:

Louis Head—Cuba Research and Analysis Group—Co-founder US-Cuba Cultural Exchange.

Bill Martinez—Martinez & Associates—Co-founder US-Cuba Cultural Exchange.

Cynthia Semon—Media consultant/music promoter—US-Cuba Cultural Exchange.

James Early—Cultural Policy Specialist—U.S.-Cuba Cultural Exchange.

Harry Belafonte—actor/singer.

Danny Glover—actor.

Sean Penn—actor.

Carlos Santana—musician.

(Plus more than 1,400 other signatories).

VETERANS GUARANTEED BONUS ACT OF 2007

SPEECH OF

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. STEARNS. Mr. Speaker, I rise today in support of this bill that corrects a desperately ill-advised regulation hurting our Nation's heroic men and women in uniform. This Defense Department policy has resulted in several veterans being denied their full bonuses or being asked to repay funds they are entitled to, simply because their injuries prevented them from serving out their full term of service.

Unfortunately, this is not a new problem. Back in October of 2004, Brian Ross of ABC News reported that Army Specialist Tyson Johnson, who was injured by an exploding mortar round in Iraq, later received a letter demanding repayment of his enlistment bonus while he was still recuperating in the hospital.

Two months ago, National Public Radio highlighted the story of Army Specialist Ronald Hinkle, who suffered a traumatic brain injury after an IED explosion cut short his military career. Not only was Specialist Hinkle owed $2,500 in back salary, but two months after NPR's story aired, he was notified that a $3,000 enlistment bonus would not be paid because he ''failed to fulfill his contract.''

In yet another case, Tommy Guinn, who is a respected 14-year Army veteran, ended his term of service early when a helicopter accident in Pakistan left him paralyzed. Thank God he made it home safely to his family, but the military kept $1,000 out of his re-enlistment bonus.

This is not the treatment our returning warriors deserve. I am proud to support this bill that finally changes this flawed policy. The Veterans Guaranteed Bonus Act makes the bonus payments automatic and requires the Secretary to pay any remaining portion of bonus payments within 90 days of medical discharge. During this season of Peace on Earth and goodwill towards men, let us show goodwill to those on the frontlines protecting our peace. I urge my colleagues to support this bill.

IN APPRECIATION OF DANIEL V. KISH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. YOUNG of Alaska. Madam Speaker, I rise today to honor Daniel V. Kish and the 28 years of service he has provided to the State of Alaska and the Nation.

In the summer of 1978, a young long-haired college student dressed in muddy work boots wandered into my office looking for an internship. Why he chose my office in particular, I do not know, though I suspect it had something to do with an attractive young lady working at the front desk, but he appeared willing and eager to work. Thus, after telling him to get a haircut and a pair of loafers, I put him to work.

My staff and I were immediately impressed by Dan's strong work ethic, his innate understanding of even the most complex issues, and his natural ability to communicate to my constituents—both in writing and in spoken word—the practical impacts of the various legislative proposals before the Congress.

In fact, when Dan returned to Indiana's Wabash College at the end of that summer to finish his studies, he left our office with an unexpected void to fill. The following year Dan had completed his undergraduate degree, and we had an open position to fill. Thanks to the good judgment and recommendation of the young woman who drew Dan into our office the previous summer, I tracked him down and asked him to come to work for me full-time. In the years since then, Dan has earned himself a well-deserved reputation as one of the most talented, dedicated, and knowledgeable staffers on the Hill.

Dan has stuck with me through thick and thin. He has always kept my best interests, and the best interests of the State of Alaska, at heart. His devotion to me, the State of Alaska, and the Nation has been unparalleled. Dan's unwavering commitment to and understanding of strong Republican ideals, free market policies, and responsible development of our Nation's resources have been an inspiration to hundreds of Hill staffers and Members alike, and he has served as the moral compass by which the Resources Committee has sailed throughout his tenure.

Dan's writing throughout the years has been equally inspiring. He is by far the single most impressive writer I've come across in 35 years. His talent and ability to get to the root of an issue in two or three eloquent sentences is unmatched. While Dan's use of words has always been powerful, it has often been humorous as well. A strong supporter of a free market economy, Dan once wrote a letter to the Secretary of the Treasury recommending that the $1 coin bear the likeness of Dolly Arthur—the owner of a historic bordello in Ketchikan, Alaska—suggesting that unlike Susan B. Anthony, she ''was truly a woman who knew the value of a dollar.'' This unique sense of humor has brought smiles to my face and many others for nearly three decades.

But most of all, Dan Kish will be remembered for the genuine respect and appreciation he has always had for what he called ''the Working Man.'' Although his mind was often occupied in debates over esoteric federal policies, his heart has always belonged to the

fight for the working men and women of America who get dirt under their fingernails rather than paper cuts on their pinkies. Dan tirelessly reminded us that American prosperity, national defense, and world leadership depend on the working men and women who operate the drill rigs, mine metals and minerals, harvest trees and crops, raise livestock, and pull the levers and press the buttons that control the dams responsible for irrigating the land and powering our communities.

God has blessed our country with a bounty of resources, and Dan was always ready with a sermon to remind us that His gifts are there for us to use wisely. Dan's wise words will not be forgotten.

While hiring Dan was one of the best decisions I've made in my 35 years in Washington, I think Dan would agree that coming to work for me was the most important decision of his life. After all, it's where he met his beautiful wife, Pam, the young lady who lured the long-haired college student into my office 29 years ago. I would be remiss if I did not also thank Pam Kish for everything she has done over the years, not only as a former staffer, but as a loving wife.

The State of Alaska and the Nation as a whole owe a debt of gratitude to Dan Kish for his 29 years of service, and this House is a better place because of his good work. Ronald Reagan once wrote, "Some people work an entire lifetime and wonder if they've ever made a difference." I know I speak for many in this body when I say there is no question that Dan Kish has made a tremendous difference during his tenure and will be sorely missed.

While Dan is moving on, his impact on and contribution to our work in Congress is timeless. I can think of no one who is more widely respected and admired for his intrinsic understanding of and devotion to the things that make this Nation so great.

I am forever grateful that Dan's path crossed with mine that day, 29 years ago so, while I stand here today honoring Daniel V. Kish for his years of service, his departure is bittersweet. Words cannot express my personal gratitude to Dan for his work, his counsel, and most importantly, his friendship. Thank you, Dan. I wish you and Pam the best in the next chapter of your life together.

RECOGNIZING RYAN KEITH BUEHRIG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. I proudly pause to recognize Ryan K. Buehrig, 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 and in 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 K. Buehrig for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING COBB COUNTY'S 175TH ANNIVERSARY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise today in order to recognize the 175th anniversary of the founding of Cobb County, GA. On December 3, 2007, residents of Cobb County came together to celebrate a community that has managed to remain united through many trying times. It was the spirit of community that held Cobb together after many bloody battles of the Civil War took place here, or when the murder of Leo Frank in 1913 threatened to pull the community apart. This deep reverence for community is one of the primary reasons that Marietta, one of Cobb's largest cities, was the first city in Georgia to be awarded the All American Cities Award by the National Civic League.

Today, Cobb County continues to meet the challenges that face our Nation with strength, resilience and innovation. Several cities in Cobb County have partnered with cities around the world, developing trade relationships that keep Cobb County and Georgia relevant in the global economy. Cobb County is proud to be the home of Home Depot's headquarters as well as several other companies that keep Georgia's, as well as America's, economy strong. As our Nation has grown more diverse, so has Cobb County. Cobb County has demonstrated how much progress can come from people working together as neighbors and partners rather than focusing on those things that keep communities divided.

Cobb County is a place that all Americans can be proud of and look to as an example of what every community should strive to emulate. I am proud to represent Cobb and commit these statements to the CONGRESSIONAL RECORD so generations can reflect on what has been, is, and will continue to be an exemplary community.

INTRODUCING A RESOLUTION CONDEMNING THE RECENT TERRORIST ATTACKS IN ALGERIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, otherwise called the Helsinki Commission, I rise to introduce a resolution which condemns in the strongest terms, the terrorist bombing of the Algerian Supreme Court and United Nations offices in Algiers, Algeria on December 11, 2007.

These deplorable attacks upon civilian targets took the lives of 37 people, including 17 United Nations employees, and injured numerous others. As a consequence of the destruction of the United Nations Development Programme office and the damage to the U.N. High Commissioner for Refugees office in Algiers, the capacity of the world body to carry out its operations in Algiers has been seriously diminished.

We subsequently learned that the December 11 attacks were the work of al-Qaeda in the Maghreb, a North African affiliate of al-Qaeda. This same organization claimed responsibility for several previous attacks in Algeria and Morocco, using tactics similar to those employed by their al-Qaeda brethren in Iraq, where they indiscriminately wreak upon civilians and military targets. These inhumane attacks are intended to sow insecurity and divisiveness, and, as in Iraq, can impede progress in the social and economic spheres.

The attacks illuminate al-Qaeda's determination to continue to spread its destructive aims globally by perpetuating violence against innocent civilians. But they should also reinforce the imperative of the community of civilized nations to stamp out terrorism in all its forms.

Algeria is a Mediterranean Partner of the Organization for Security and Cooperation in Europe (OSCE), within whose ambit the Helsinki Commission carries out its mandate. The OSCE has among its highest priorities a commitment to combating terrorism, and the Algerian Government has been unwavering in its efforts to defeat terrorism, a goal that the United States shares.

Through our recent experience with terrorism, Americans understand the pain now suffered by the Algerian people for the loss of so many innocent lives and the injury of numerous others. Today, we affirm our support for the people and Government of Algeria in their continued struggle against extremism and violence.

That is why, together with my good friend Congressman BILL DELAHUNT, Chairman of the House Foreign Affairs Committee, Subcommittee on International Organizations, Human Rights, and Oversight, I am introducing today's resolution, which condemns the senseless acts of violence against the Algerian people and the United Nations on December 11. This resolution also expresses our profound sympathy for the victims of the bombings; the support of the U.S. House of Representatives for the Algerian people in their continued efforts to secure peace for their nation; and support for the Algerian authorities in bringing the perpetrators of the attacks to justice. Chairman DELAHUNT's commitment to advancing peace, human rights, and security are laudable and long-standing. I am deeply proud to work with him on this resolution.

TRIBUTE TO SYLVIA PRESSLEY WOODS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CLYBURN. Madam Speaker, today I rise to honor one of South Carolina's own, Sylvia Pressley Woods, affectionately known as the "Queen of Soul Food." In August of 1962, Sylvia put her charismatic personality to the test and purchased the restaurant, which then was only a small luncheonette, from her own boss.

Almost 50 years later, Sylvia's has become the landmark of 126th St. and Lenox Avenue and the one place where everyone knows they can get a taste of authentic Southern Soul food. The restaurant also serves to remind the community's residents that hard work, determination, and love of family can lead to success.

Sylvia's Restaurant, a Harlem soul-food landmark, attracts busloads of tourists from all over the United States and around the world. Sylvia's is a frequent stop for celebrities and politicians. With the launch of a line of prepared supermarket foods, the empire of restaurateur Sylvia Woods has expanded to touch the culinary lives of people all over the country.

Woods herself has a remarkable story that encapsulates much of 20th-century African-American history. She was born Sylvia Pressley in Hemingway, South Carolina, on February 2, 1926. Her father, Van Pressley, died three days after she was born from the after effects of chemical-weapons injuries he sustained while fighting in World War I. When she was three her mother departed for New York City in search of a chance to make money that would put her family on a solid financial footing.

Woods recalled with affection the warmth and closeness of her rural southern community. Nevertheless, she has painful memories. ''I didn't like any part of farm life,'' she told Nation's Restaurant News. ''I didn't understand why people would not let me drink out of the same water fountain, but they would trust me to cook for them and to take care of their dearest things, their babies.'' Her grandfather was hanged after being wrongly accused of participating in a grocery-store robbery when her mother was just an infant.

Sylvia Woods worked in a Queens hat factory for a time, as well, but a turning point came in 1954 when a cousin told Woods that she planned to quit her job at a lunch counter at 126th Street and Lenox Avenue, around the corner from the famed Apollo Theater and within walking distance of the Woods's 131st Street apartment. Woods, who had rarely even seen the inside of a restaurant, took the job with trepidation and without any thought of ever running one herself. But she impressed the owner, a fellow South Carolinian, with her energy. When he ran into financial trouble with an investment in a black resort in upstate New York, he offered to sell her the restaurant. After her mother took out a $20,000 loan backed by her family farm, Sylvia Woods became the owner of Johnson's Luncheonette in 1962.

With four children, Van, Bedelia, Kenneth, and Crizette, born between 1949 and 1967, Woods had little time to think of expansion, but Sylvia's became known far and wide for its fried chicken, collard greens, peach pies, and other soul-food standards. The restaurant moved two doors down from its original location in 1968 and gradually grew to occupy most of the Harlem block on which it rests. Sylvia's now can seat 450 and boasts a next-door catering operation.

Diners suggested that Sylvia's open new branches in other cities, but Woods and her son, Van decided on a different course—one inspired by the customers who would come in at holiday time with empty jars and ask whether they could buy Sylvia's barbecue sauce.

Launched in 1992 and featuring a picture of Woods herself on the label, the Sylvia's Queen of Soul Food line of canned and bottled foods impressed Pathmark supermarket CEO Jim Donald. He told Crain's New York Business that ''Sylvia and Van Woods run their company with their heart and soul.'' Sylvia's hot sauces, candied yams, mustard greens, kidney beans, and 13 other items are available in supermarkets nationwide.

Sylvia's Soul Food cookbook was also published in 1992. It was followed in 1999 by the more extensive Sylvia's Family Soul Food Cookbook, which included Woods's personal reminiscences and numerous family photographs along with recipes gathered in a giant South Carolina family cook-off.

The good reputation of the ''Sylvia's'' name has put Sylvia Woods's cookery on a path to growth, with the restaurant's many admirers hoping to get in on the action. Additional full-service restaurants are planned for the future, increasing the Sylvia's stable of 200 employees and bringing the soul-food creations of Hemingway, South Carolina, to even more American diners. With all four Woods children involved with the business, it represents a family tradition of the best—and tastiest—kind.

Madam Speaker, please join me in honoring South Carolina's own, mother, restaurateur and enterprising businesswoman, Mrs. Sylvia Woods.

CONFERENCE REPORT ON H.R. 1585, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 12, 2007

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1585, the Conference Report on Defense Authorization Bill.

As we approach the Holiday Season and we go back to our families, we cannot forget that not everyone is so fortunate.

Our loyal soldiers are serving proudly and not all will be with their loved ones.

I want to speak directly to them and to their families in my District because these are the true faces of the war.

This bill supports our service members by increasing military pay across the board, because the empty stomachs of a family hurt no matter where you are.

This bill protects our soldiers by providing the equipment needed, because today—our soldiers deserve the best there is.

This bill includes the Wounded Warrior Act which reinforces the fact that the tragic conditions at Walter Reed must end.

I ask my colleagues to not ignore the realities of the war and review their priorities—we must give our troops on the frontline what they need and rightfully deserve.

VETERANS GUARANTEED BONUS ACT OF 2007

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 3793, the Veterans Guaranteed Bonus Act of 2007. I am proud to be a cosponsor of this legislation because I believe the men and women who bravely serve our country deserve everything they are promised when they sign up for the military. This bill ensures those forced to leave military service because of a combat injury will receive the bonuses they are entitled to. Moreover, this bill recognizes that the men and women injured in battle, in Iraq and Afghanistan, would much rather be with their brothers and sisters in the field than in a hospital nursing their wounds. The least we can do is afford them with the benefits, pay, and assistance to which they are already entitled.

I would like to thank Congressman ALTMIRE for his tireless work on this legislation. It is a fine example of how the Democratic Congress is keeping its promises to our dedicated men and women valiantly fighting on behalf of our country. I ask my colleagues to join me in supporting the Veterans Guaranteed Bonus Act.

RECOGNIZING LINDA KITAZAKI

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. POE. Madam Speaker, heroes are people who devote their lives to serving others and making our world a better place in which to live. Linda Kitazaki was one of those people.

Linda was the executive director of Mothers Against Drunk Driving Southeast Texas. I knew her for over 20 years in my work as a judge in Texas. She was an advocate in every sense of the word who worked passionately to fulfill MADD's vision to stop drunk driving, support the victims of this violent crime and prevent underage drinking. Those who know her best describe her as compassionate, powerful, gracious and inspirational.

Linda became affiliated with MADD back in 1988 because of a near fatal crash involving teenagers who were drinking and driving. The situation was especially troublesome to Linda because the teenagers had been given alcohol by a parent. Because of her dedication to making a difference, she became the Administrator for the Harris County Chapter of MADD.

With the assistance of Penny Ellsworth, who joined MADD because her son was killed by a drunk driver, the two reorganized the Harris County Chapter.

MADD Harris County became the Southeast Texas Region Affiliate Office. With Linda at the helm, the small office grew to serve 10 counties and became one of the most prominent within the organization. Not only does the office provide services to the victims of drunk drivers, it also conducts outreach and education in order to prevent future tragedies. The idea of preventing young people from making bad decisions that would impact them for the rest of their lives truly resonated with Linda.

As a result of Linda's leadership, her MADD office became very strong and has 10 staff members and countless volunteers. She started new programs and initiatives. She was considered a maverick in new fundraising methods in the Houston area which were then replicated for national success in the organization. Her passion and commitment won her Employee of the Year recognition.

She also played a key role in developing the Take the Wheel Program, which focused all of the organization's resources and programs into Harris County because it had the highest number of drunk driving deaths in Texas. By partnering with law enforcement, businesses, government, community and religious leaders, the program seeks to save lives by encouraging personal responsibility in the use of alcohol and educating the public about the dangers of drunk driving.

On Dec. 13, 2007, Linda passed away unexpectedly. She leaves behind a legacy of compassion and exceptional service. On Dec. 19, 2007, friends and family will gather to celebrate the remarkable life of this extraordinary community servant. The State of Texas and our Nation owes much to Linda Kitazaki for making our streets and highways safer.

And that's just the way it is.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a suspension vote and the vote on the motion to postpone consideration of the veto message for the Children's Health Insurance Program Reauthorization Act. Had I been present, I would have voted "aye" on rollcall No. 1154 and "aye" on rollcall No. 1155.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ORTIZ. Madam Speaker, due to personal medical reasons, I was unable to vote during the following roll call votes. Had I been present, I would have voted as indicated below.

Rollcall No. 1163: "yea."
Rollcall No. 1164: "yea."
Rollcall No. 1165: "yea."
Rollcall No. 1166: "yea."
Rollcall No. 1167: "yea."
Rollcall No. 1168: "yea."
Rollcall No. 1169: "yea."
Rollcall No. 1170: "yea."
Rollcall No. 1171: "yea."
Rollcall No. 1172: "yea."
Rollcall No. 1173: "yea."

ALL ALONG HIS WATCHTOWER

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SHULER. Madam Speaker, I rise today to present the following poem entitled All Along His Watchtower, which was written by Mr. Albert Carey Caswell in honor of Brent Hendricks, of the 172nd Striker Brigade from Forest City, North Carolina. Mr. Hendricks lost his leg when an IED blew up his humvee.

Bump, bump bump bump bump . . .
Bump, bump bump bump bump . . . bump, bump bump bump bump . . .
Whether, upon football fields of green . . . or on so Heroic Battlefields of Honor Seen . . .
All Along His Watchtower, "They could get no relief" . . .
Striking Hard, Striking Fast!
A bold heart, That is his motto, That is his path!
Dying twice, when . . . The Dark Riders in the distance, they began to approach . . .
When Brent, began to howl . . . "I'm not ready now!"
The Nort Catolacki Kid,
6′9″ . . . built for power and speed . . . 9 sacks in one football game . . . a man who would not heed!
Until, on battlefields of horror he would bleed . . . In The Real Game of Life, all for our Country 'Tis a Thee!
Giving up his fine leg, as he did . . .
Brent Hendrick, an Army Man . . .
A Real American Hero, who before us now stands . . .
Strength In Honor, who respects so commands . . . cheating death, as towards evil he ran . . .
Into that dark valley of death, for our nation to so bless . . . Striking Hard, Striking fast . . . all in death's path!
But, when you're 6′9″ . . . and have a 17½ shoe . . .
You can kick some glutenous maximus too! Now isn't that true! As this patriot's heart comes into view!
Could we, would we . . . ever such magnificence find so too?
All ready, operations . . . he's had 65!
But, this Heroes Heart . . . will not wilt, will not die!
Like Arnold, he'll be back . . . Back . . . Back . . . Back in Iraq . . . with his brothers in arms . . . or he'll resign!
And The Wind Cries Hero!
Do Do Do Do . . .

I ask my colleagues to join me in expressing our appreciation for this soldier's dedication to the United States Armed Forces and to this Nation. His service and sacrifice is a shining example of the quality of men and women who serve this great Nation at home and abroad.

RECOGNIZING THE IMPORTANCE OF CHRISTMAS AND THE CHRISTIAN FAITH

SPEECH OF

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. KING of Iowa. Mr. Speaker, I would like to begin by thanking the Ranking Member of the Foreign Affairs Committee, the gentlewoman from Florida, Ms. ROS-LEHTINEN, for her support and help in getting this important measure to the House floor for a vote.

Mr. Speaker, it is a privilege to address the House today to discuss the importance and relevance of Christmas, the Christian holiday celebrating the birth of our savior Jesus Christ.

As this resolution notes, there are approximately 225 million Christians in the United States, making Christianity the religion of over three-fourths of the American population. Beyond that, there are approximately 2 billion Christians throughout the world, making Christianity the largest religion in the world and the religion of about one-third of the world population.

And yet, Mr. Speaker, in recent decades there have been some who have undertaken efforts to diminish the significance of this great religion, and these efforts are no more apparent than during this time of Christmas.

It is not hard to look out over this great country of ours and find those who, for one reason or another, have engaged in a highly-politicized and highly-publicized crusade to rid the public square of any reference to the religious underpinnings of the Christmas holiday. These are individuals who have subscribed to a radical interpretation of our Constitution's free exercise and establishment clauses and have sought to impose their secular views and beliefs on the nation as a whole.

In many respects, it is this ongoing effort to bring about the secularization of Christmas—and all of our everyday lives for that matter—that motivated me to bring this resolution before the House today.

Regardless of how others may define it, Mr. Speaker, Christmas is a religious holiday. It is the day on which Christians—those who identify themselves as believers in the salvation from sin offered to them through the death and resurrection of their savior, Jesus Christ, the Son of God, and who, out of gratitude for the gift of salvation, commit themselves to living their lives in accordance with the teachings of the Holy Bible—celebrate the birth of their savior. For Christians, the birth of Jesus is cause for great celebration. As the Son of God, Jesus was sent to earth, by our Heavenly Father, to become a human being, live a sinless life, be crucified on a cross for our sins, and rise from the dead three days later. The purpose of this, as you well know, Mr. Speaker, was to save sinners from eternal death—the price to be paid for their sin.

And so, Mr. Speaker, the birth of Christ, as celebrated by Christians on Christmas is a truly important and significant day because it is celebrated as a recognition of God's redemption, mercy and Grace.

The importance of Christmas, however, does not end with the tenets of Christianity. Because Christmas is one of the most important holidays on the Christian calendar, I believe that its annual passage should serve as an opportunity for all Americans, Christian or not, religious or not, to recognize the important role played by Christianity in the formation of our nation and in the founding of our civilization.

It is no coincidence, Mr. Speaker, that courthouses throughout this country proudly display the Ten Commandments. It is no accident that, in this very chamber, it is the face of Moses, the human author of those divinely dictated commandments, that looks down upon you, keeping close watch on all that transpires in this chamber. Mr. Speaker the framework of our laws and the fabric of our society is heavily dependent upon the maxims of Christianity, and I believe that as we Christians begin our annual celebration of the birth of our savior, the one from whom Christianity derives its name, it is wholly appropriate for us, as a nation and as members of this House, to take the time to acknowledge the contributions that the Christian religion has made to our country and our way of life.

Mr. Speaker, I think we all can agree that virtually any American, whether Christian,

atheist, agnostic, or otherwise, when confronted with the fact that he has in some way wronged his neighbor, will rightly respond in one universal way—knock on his door, confess to him, repent, and ask for forgiveness. The neighbor would then forgive them as Christ has taught us. True and simple as this may seem, it is important to ask why we as Americans naturally react in such a way. The answer of course is that in this ''conditioned behavior'' we see very clearly the positive effect that Christianity has had on the development of our country and culture.

There are few places in the United States—if any—that you can visit where the laws ''do not steal'' and ''do not murder'' do not apply. Likewise, there are few households in this great country in which moral character is developed in young children without the invocation of the ninth and tenth amendments regarding lying and coveting that which belongs to others.

Mr. Speaker, we as Americans live in a moral society and in a country that is governed by moral laws. While many of these laws obviously cannot be found in any explicit sense within the pages of the Holy Bible, when we survey the content of that book—the document that outlines how it is the Christians are to live their lives here on earth—we do find much in the way of foundational principles that has come to guide not just the development of our laws, but also the foundation of our nation.

It was from the Bible and the example of Jesus that Pilgrims first established government on this continent, from which the Founders outlined the political thought that shaped our nation, and by which Congress first intended to educate our children. Furthermore, as the scholar David Barton and others have tirelessly pointed out, it was from the Bible that early American leaders derived concepts like private ownership, the free-enterprise system, an industrious work ethic, and workfare rather than welfare. As a result, the life and teachings of Jesus Christ have permeated every aspect of life in America. He has shaped our culture and transformed every great leader to rise from our population. As a testament to this, each of our American Presidents has acknowledged God's hand on this Christian nation that is the United States. If there never had been a Jesus Christ, there would never have been an America.

In an address to the nation President Truman once said that, ''In love, which is the very essence of the message of the Prince of Peace, the world would find a solution for all its ills. I do not believe there is one problem in this country or in the world today which could not be settled if approached through the teaching of the Sermon on the Mount. The poets' dream, the lesson of priest and patriarch and the prophets' vision of a new heaven and a new earth, all are summed up in the message delivered in the Judean hills beside the Sea of Galilee. Would that the world would accept that message in this time of its greatest need!''

He went on to say that, ''This is a solemn hour. In the stillness of the Eve of the Nativity when the hopes of mankind hang on the peace that was offered to the world nineteen centuries ago, it is but natural, while we survey our destiny, that we give thought also to our past—to some of the things which have gone into the making of our Nation.''

In 1940, President Franklin Delano Roosevelt said of Christmas, ''it is well for all humanity to remind itself that while this is in its name a Christian celebration, it is participated in reverently and happily by hundreds of millions of people who are members of other religions, or belong actively to no church at all. The reason is not far to seek. It is because the spirit of unselfish service personified by the life and the teachings of Christ makes appeal to the inner conscience and hope of every man and every woman in every part of the earth.''

President Eisenhower called the nation to reflect during his remarks at the lighting of the Nation's Christmas Tree on December, 15th 1967 when he said, ''In a few days we shall all celebrate the birth of His Holiness on earth. We shall recreate in our minds, once more, the ancient coming of that Spirit who remains alive for millions in our time. We shall acknowledge the Kingdom of a Child in a world of men.''

He went on to say, ''That Child—we should remember—grew into manhood Himself, preached and moved men in many walks of life, and died in agony. But His death—so the Christian faith tells us—was not the end. For Him, and for millions of men and women ever since, it marked a time of triumph—when the spirit of life triumphed over death. So—if this Christmas season in a time of war is to have real meaning to us, it must celebrate more than the birth of a Baby.''

During his Radio Address to the Nation on Christmas Eve, 1983 President Reagan pointed out that ''It's been said that all the kings who ever reigned, that all the parliaments that ever sat have not done as much to advance the cause of peace on Earth and good will to men as the man from Galilee, Jesus of Nazareth.''

As the words of these great men—these revered and honored presidents of the United States of America have clearly demonstrated, it is not a stretch to say that the precepts and principles of Jesus have so completely permeated the culture of this nation that even an American atheist would be hard pressed to separate his worldview from the impact of the first Christmas.

Though we are not all Christians, Mr. Speaker, we are all Americans. By virtue of that simple fact, I will again reiterate my belief that it is not only appropriate but, more importantly, is necessary during this special time of year to remember not only the birth of Jesus Christ, the savior of the world, but also to recognize the important impact that the Christian faith has had on the foundation and development of our society, our nation, and our civilization.

RECOGNIZING ROOSEVELT PETRY, JR.

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. POE. Madam Speaker, today I am proud to recognize Mr. Roosevelt Petry, Jr., President and CEO of GP Industrial Contractors, Inc.

He began his professional career as a draftsman for Bethlehem Steel, performing piping, mechanical, electrical, and structural drafting. He worked for fifteen years on electrical instrumentation, mechanical and pipe designing, residential, and commercial construction, and has been a senior designer, project engineer, project manager, and project superintendent. Each job garnered Mr. Petry the necessary skills for his company to secure massive projects such as the Toyota Center, Minute Maid Park, and other high profile projects around the country.

Mr. Petry received his bachelor's degree from Lamar University in 1997, and one year later, he founded GP Industrial Contractors. He partnered with an acquaintance who owned Gulf Copper Manufacturing Company to form a company specializing in building refineries and petrochemical plants. Piping, steel fabrication, carpentry, maintenance, and engineering, are just a few of the services his company offers.

Mr. Petry attributes all of his success to God, and doesn't think twice about giving back to the community. With a focus on youth education, he shared his knowledge as an instructor at Lamar University, teaching AutoCAD, surveying and drafting. He and his wife recently donated money to create an endowment scholarship at Lamar State College, for nursing and engineering students in Port Arthur. Currently, he hosts the Roosevelt Petry, Jr. Business Hour on KSAP 107.1—the Breeze, in Port Arthur, TX. After Hurricane Rita, Mr. Petry's GP Industrial Contractors were there to help the small gulf coast community of Sabine Pass pick up the pieces, assisting in rebuilding.

He has served the community as Commissioner of the Port Arthur Housing Authority; Chairman of the Port Arthur Economic Development Corporation; Member of the Port Arthur Citizen Advisory Committee; Member of the National Society of Black Engineers; Board of Directors for Junior Achievement; and Board of Directors for the United Way. He also serves on the Military Academy Selection Board for our Congressional District.

Over the years, Mr. Petry's hard work and community involvement have resulted in several honors and awards, including Score's 2007 Business Man of the Year Award; 2006 Port Arthur Economic Development Corporation's Business of the Year Award; 2004 Houston Minority Business Council's Emerging Ten Award; 2002 Lamar State College Port Arthur's Industrial Business of the Year Award; 2004 Make Ready, Inc. 4th Annual Humanitarian Award; and he was featured in the National Society of Black Engineers in 2000.

This Port Arthur native has shown that your environment and circumstances don't predict your future. Hard work and perseverance have been the lifeblood of Mr. Petry's success. Port Arthur's future is brighter because of Mr. Petry's continuing commitment and involvement in our community. Roosevelt Petry seizes the opportunities that come his way and has a positive attitude and zest for life.

And that's just the way it is.

AWARDING CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. SCHAKOWSKY. Mr. Speaker, today we award a Congressional Gold Medal to Daw Aung San Suu Kyi, in recognition of her courageous commitment to peace, nonviolence, human rights, and democracy in Burma.

Mr. Speaker, the images we have seen from Burma over the past year have been nothing short of horrifying. Soldiers firing automatic weapons into unarmed crowds and the charred body of a Buddhist monk, slain, lying face down in a pool of water stained with blood, are just two examples of the oppression that continues to plague Burma.

In the face of this horror, a hero has emerged. For close to 20 years, Nobel Laureate Aung San Suu Kyi has continued to fight for freedom and equality in Burma in the face of tremendous adversity. She has been arrested on numerous occasions, held under house arrest, and even had an attempt made on her life. In spite of this, Suu Kyi continues to speak out and to urge democracies throughout the world to come to Burma's aid. Her message is a simple one: "Use your liberty to promote ours."

Today, as we award the Congressional Gold Medal to Suu Kyi, we stand with her to demand democratic change in Burma.

I believe that while change will not come overnight to Burma, it will come. And when it does, it will be my great pleasure to join my colleagues in welcoming Aung San Suu Kyi to Washington so that we can thank her in person for her historic and courageous stand for liberty.

PAUL E. GILLMOR POST OFFICE BUILDING

SPEECH OF

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to a dear friend and former colleague, Congressman Paul Gillmor, by supporting the designation of the U.S. Postal Service Office located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

While we all miss our friend, this designation will serve to honor him for his distinguished career in public service in both the U.S. House of Representatives and the Ohio Senate, and for living his life as a true gentleman.

The reference to being a "true gentleman" is something that will have a special meaning to members of the Sigma Alpha Epsilon fraternity, and it's something that I would like to enter into the CONGRESSIONAL RECORD as a tribute to Paul Gillmor.

Paul and I were both members of the SAE's during our time at Ohio Wesleyan University, and our fraternity has a motto that describes what it takes to be a true gentleman. I think this passage by John Walter Wayland describes Paul Gillmor and how he lived his life. It reads as follows:

"The True Gentleman is the man whose conduct proceeds from good will and an acute sense of propriety, and whose self-control is equal to all emergencies; who does not make the poor man conscious of his poverty, the obscure man of his obscurity, or any man of his inferiority or deformity; who is himself humbled if necessity compels him to humble another; who does not flatter wealth, cringe before power, or boast of his own possessions or achievements; who speaks with frankness but always with sincerity and sympathy; whose deed follows his word; who thinks of the rights and feelings of others, rather than his own; and who appears well in any company, a man with whom honor is sacred and virtue safe."

Mr. Speaker, I think that my colleagues would agree that Paul Gillmor lived the life of a true gentleman as a father, a husband, a friend and a public servant.

With that said, I appreciate today's effort to move this well-deserved legislation forward, and I urge everyone to honor and remember our friend and colleague, Paul Gillmor.

COMMENDING THE STATEMENT OF VICE PRESIDENT AL GORE AT THE U.N. CLIMATE CHANGE CONFERENCE IN BALI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. LANTOS. Madam Speaker, at a watershed moment in global diplomacy last week, our distinguished former Vice President, Al Gore, stepped in to fill an enormous U.S. vacuum in leadership. At the world summit on global warming in Bali, Indonesia, this new Nobel laureate once again took on the necessary role of the nation's conscience in the effort to save our planet from a looming climate catastrophe. With a candid and clear-eyed address, Vice President Gore provided a powerful bridge of hope to world leaders who were struggling to make real progress in setting a roadmap toward a treaty designed to stave off the most devastating impacts of global warming.

In his speech, Vice President Gore courageously confronted the "inconvenient truth" that right now, at this moment in history; the principal obstruction to progress in the global effort to confront the Earth's greatest existential threat is the United States of America. He urged the assembled delegates in Bali to overcome their anger and frustration at this obstacle, vowing that "over the next two years, the United States is going to be in a place it is not now." The Vice President also offered a solution, suggesting that rather than trying to move the Bush Administration, the climate summit simply should circumvent it by leaving "a large open space" in the document to be filled in when U.S. leadership is finally restored.

Inspired by the Vice President's address, the U.N. delegates finally and resolutely rebuffed the administration's effort to block consensus on a "Bali Roadmap" by reaching a consensus that commits all nations to negotiate a new, scientifically valid deal to fighting global warming by 2009. The resolve to face down the White House was best perhaps best articulated by the delegate from Papua New Guinea—who, addressing the U.S. delegation in the final diplomatic showdown, declared, "If you cannot lead, leave it to the rest of us. Please get out of the way."

Madam Speaker, our distinguished former congressional colleague, Al Gore, has provided our Nation and our global community with great leadership. At a time when our own Administration has let us down, Vice President Gore has reminded the world that, in his words, "political will is a renewable resource."

I commend the text of the Vice President's historic address to my colleagues. To date, this landmark in the global climate discussion has not been published in its entirety anywhere, but I am honored now to place a verbatim transcript of it in the CONGRESSIONAL RECORD. Al Gore's words should inspire all of us to work to fill in the "large open space" that our current administration has left in the place where U.S. leadership normally resides.

SPEECH AT THE UNITED NATIONS CLIMATE CHANGE CONFERENCE, BALI, INDONESIA, DECEMBER 13, 2007

(By Al Gore)

I am not an official of the United States, and I am not bound by the diplomatic niceties. So, I am going to speak an inconvenient truth. My own country, the United States, is principally responsible for obstructing progress here in Bali. We all know that.

We all know that. But, my country is not the only one that can take steps to ensure that we move forward from Bali with progress, and with hope. Those of you who applauded when I spoke openly about the diplomatic truth here have a choice to make. You can do one of two things here. You can feel anger and frustration and direct it at the United States of America, or you can make a second choice. You can decide to move forward and do all of the difficult work that needs to be done and save a large open blank space in your document and put a footnote by it. And when you look at the footnote, write the description of the footnote. This document is incomplete, but we are going to move forward anyway on the hope—and I am going to describe for you why I think you can also have the realistic expectation—that that blank will be filled in.

This is the beginning of a process designed to culminate in Copenhagen two years from now. Over the next two years, the United States is going to be somewhere it is not now. You must anticipate that. Targets must be a part of the treaty that is adopted in Copenhagen. And the treaty, by the way, should not only be adopted in 2009: I urge you in this mandate to move the target for full implementation of this treaty to a point two years sooner than presently contemplated. Let's have it take effect fully in 2010, and not 2012. We can't afford to wait another five years in order to replace the provisions of the Kyoto Protocol.

So we must leave here with a strong mandate. This is not the time for business as usual. Somehow we have to summon, and each of you must summon a sense of urgency here in Bali. These are not political problems, they are moral imperatives. But our capacity to strip away the disguise and see them for what they really are and then find the basis to act together to successfully address them is what is missing.

The greatest opportunity inherent in this climate crisis is not only to quickly deploy the new technologies that will facilitate sustainable development, to create the new jobs

and to lift standards of living. The greatest opportunity is that in rising to meet the climate crisis, we in our generation will find the moral authority and capacity for long term vision to get our act together in this world and take on these other crises, not political problems, and solve them. We are one people, on one planet. We have one future, one destiny. We must pursue it together, and we can.

The great Spanish poet from Sevilla Antonio Machado wrote, ''Path walker, there is no path. You must make the path as you walk.''

There is no path from Bali to Copenhagen unless you make it. It's impossible given the positions of the powerful countries, including my own, and the instructions from which they are not going to depart. But you can make a new path. You can make a path that goes around that blank spot. And you can go forward.

There are two paths you can choose. They lead to two different futures. Not too long from now, when our children assess what you did here in Bali, what we in our generation did here in this world. As they look backward, at 2007, they will ask one of two questions. I don't know which one they will ask, I know which one I prefer they ask, but trust me, they will ask one of these two questions.

They'll look back and either they will ask, ''What were you thinking? Didn't you hear the IPCC four times unanimously warning the world to act? Didn't you see the glaciers melting? Didn't you see the North Polar ice cap disappearing? Didn't you see the deserts growing and the droughts deepening and the crops drying up? Didn't you see the sea level rising, didn't you see the floods, didn't you pay attention to what was going on? Didn't you care? What were you thinking?''

Or they will ask a second question, one that I much prefer them ask. I want them to look back on this time and ask, ''How did you find the moral courage to successfully address a crisis that some many have said was impossible to address? How were you able to start the process that unleashed the moral imagination of humankind to see ourselves as a single global civilization?'' And when they ask that question, I want you to tell them that you saw it as a privilege to be alive at a moment when a relatively small group of people could control the destiny of all generations to come. Instead of shaking our heads at the difficulty of this task and saying, ''Woe is us, this is impossible, how can we do this?'' We're so mad at the ones that are making it harder; we ought to feel a sense of joy that we have work that is worth doing, that is so important to the future of all humankind. We ought to feel a sense of exhilaration that we are the people alive at a moment in history when we can make all the difference. That's who you are. You have everything you need. We have everything we need, save perhaps political will. but political will is a renewable resource.

Thank you very much.

HONORING ADAM CLAYTON POWELL, JR. THROUGH ECONOMIC AND SOCIAL JUSTICE FOR SECURITY OFFICERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to draw attention to an event honoring my pioneering predecessor, former Congressman Adam Clayton Powell, Jr., of New York, and acknowledged in the New York CARIB News December 10 story, ''Honoring The Legacy of Adam Clayton Powell Jr.'' Local 32BJ—the largest private sector union in New York and the largest property service union in the country—has evoked the memory and legacy of Mr. Powell in its campaign to organize private security guards. The more than 60,000 New York security officers deserve a living wage that meets their needs and those of their families. This battle is the most recent offshoot of Mr. Powell's influence on social and economic justice. It is in his spirit that these hard-working Americans fight for the benefits due them, and I wholeheartedly join them in this campaign.

HONORING THE LEGACY OF ADAM CLAYTON POWELL, JR.

NEW YORK, NY.—In a major step forward for Local 32BJ's city-wide campaign to organize security officers, Reverend Dr. Calvin O. Butts welcomes Local 32BJ President Mike Fishman and Reverend Johnny Ray Youngblood to the Abyssinian Baptist Church for its annual commemoration of the life and work of Adam Clayton Powell, Jr.

This is the first time the union's security officer campaign is being brought to the attention of Abyssinian's members.

''Honoring the legacy of Adam Clayton Powell means continuing his fight for social and economic justice,'' said Mike Fishman, Local 32BJ President.

''It is unfair that these men and women risk their lives protecting million dollar buildings, but don't make enough to support their families.''

More than 60,000 men and women in New York, most of whom are African-American, work as private security officers. Although they keep our city safe, many of them earn less than $10/hr, receive no affordable health care and little, if any, state-of-the-art security training.

''As leaders in this city in the fight for social and economic justice the support of Reverent Butts and Reverend Youngblood is vital to the success of our campaign,'' Fishman added.

''Local 32BJ's campaign to raise wage and living standards is about more than 60,000 security officers—it is about New York itself,'' said Reverend Calvin Butts.

''The union's campaign is our community's campaign because it represents a unified call-to-action to pay men and women not only what they deserve, but what they need, to support their families—regardless of color.

''Labor and African-American leaders have a long history of working together—including organizing campaigns led by Dr. Martin Luther King on behalf of sanitation workers and by Adam Clayton Powell on behalf of pharmacists in Harlem.

''Nothing is more important in the union's security officer campaign than fighting for respect,'' said Rev. Youngblood. ''Armed with respect for ourselves and from the community, and empowered with hard-earned respect from employers, we will win this fight for economic and social justice.''

The recent event took on added significance because the union's campaign has been gaining momentum, and now represents more than 6,000 security officers in New York—double the number from just a few years ago.

With new campaigns visible at Jet Blue and Fordham University, which both use Summit, a low-wage security contractor, the campaign has picked up steam in recent months.

With more than 85,000 members, including 60,000 in New York, Local 32BJ is the largest private sector union in New York and the largest property service union in the country.

MISSED VOTES

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

JANUARY 22, 2007

Mr. SMITH of Washington. Madam. Speaker, due to events in my district, I was unable to vote on rollcall No. 42: Passage of H. Res. 475. Had I been present, I would have voted ''yes.''

JANUARY 22, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 43: Table the appeal of the ruling of the Chair for H. Res. 476. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 44: Motion to Suspend the Rules and Agree to H. Res. No. 52. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 45: Motion to suspend the rules and Agreed to H.R. 390. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 46: Motion to Suspend the Rules and Agree to H. Res. 29. Had I been present, I would have voted ''yes.''

FEBRUARY 8, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 87: Agreeing to the Amendment of H.R. 547, and amendment to include language which encourages the Assistant Administrator to utilize Land Grant Institutions, Historically Black Colleges and Universities, Hispanic Serving Institutions and other minority serving institutions among other resources to undertake research for programs covered by the bill. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 88: Agreeing to the Amendment of H.R. 547, an amendment to add a new paragraph to section 3, Biofuel Infrastructure and Additives Research and Development, to include issues with respect to where in the fuel supply chain additives optimally should be added to fuels. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 89: Agreeing to the Amendment of H.R. 547, an amendment to add a new paragraph to section 3 which includes issues with respect to certification by a nationally recognized testing laboratory of components for fuel dispensing devices that specifically reference compatibility with alcohol blended and biofuels that contain greater than 15 percent alcohol. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 90: Agreeing to the Amendment of H.R. 547, an amendment to add a new section 7 entitled Additional Funding. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 91:

the Motion to Recommit with Instructions of H.R. 547. Had I been present, I would have voted ''no.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 92: Passage of H.R. 547. Had I been present, I would have voted ''yes.''

FEBRUARY 28, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 111: Motion to Suspend the Rules and Agree on H. Con. Res. 52. Had I been present, I would have voted ''yes.''

MARCH 12, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 136: Motion to Suspend the Rules and Pass, as Amended on H.R. 85. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 137: Motion to Suspend the Rules and Agree on H. Res. 136. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 138: Motion to Suspend the Rules and Agree on H. Res. 89. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 187: Motion to Suspend the Rules and Pass, as amended on H.R. 802. Had I been present, I would have voted ''yes.''

Madam speaker, due to events in my district, I was unable to vote on rollcall No. 188: Motion to Suspend the Rules and Pass, as Amended on H.R. 137. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 189: Motion to Suspend the Rules and Pass, as Amended on H.R. 580. Had I been present, I would have voted ''yes.''

MAY 14, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 342: Motion to Suspend the Rules and Pass on H.R. 1124. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 343: Motion to suspend the rules and agree to H. Res. 223. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 344: Motion to Suspend the Rules and Agree (H. Res. 385). Had I been present, I would have voted ''yes.''

MAY 16, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 358: Call in Committee Quorum. Had I been present, I would have voted ''present.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 359: Motion that the Committee Rise (H.R. 1585). Had I been present, I would have voted ''no.''

JUNE 11, 2007

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 448: Motion to Suspend the Rules and Pass on H.R. 2356. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 449: Motion to Suspend the Rules and Agree on S. 676. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 450: Motion to Suspend the Rules and Agree on H. Res. 418. Had I been present I would have voted ''yes.''

JULY 23, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 687: Motion to Suspend the Rules and Pass H.R. 404, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 688: Motion to suspend the rules and agree to H. Res. 553. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 689: Motion to suspend the rules and agree to H. Res. 519. Had I been present I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 690: On ordering the previous question on H. Res. 558. Had I been present, I would have voted ''yes.''

AUGUST 1, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 781: Motion to adjourn. Had I been present. I would have voted ''no.''

SEPTEMBER 4, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 847: Motion to Suspend the Rules and Pass H.R. 694, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 848: Motion to Suspend the Rules and Pass H.R. 3020, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 849: Motion to Instruct Conferees on H.R. 2669. Had I been present, I would have voted ''no.''

SEPTEMBER 17, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 867: Motion to Suspend the Rules and Pass H.R. 3246, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 868: Motion to Suspend the Rules and Pass H.R. 1657, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 869: Motion to Suspend the Rules and Pass H.R. 3527. Had I been present, I would have voted ''yes.''

OCTOBER 1, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 924: Motion to Suspend the Rules and Agree on H. Res. 185. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 925: Motion to Suspend the Rules and Pass H.R. 2276. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 926: Motion to Suspend the Rules and Pass H.R. 3325. Had I been present, I would have voted ''yes.''

OCTOBER 15, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 961: Motion to Suspend the Rules and Agree on H. Res. 738. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 962: Motion to Suspend the Rules and Pass H.R. 2089. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 963: Motion to Suspend the Rules and Pass H.R. 20, as amended. Had I been present, I would have voted ''yes.''

OCTOBER 17, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 980: Passage of H.R. 2095. Had I been present, I would have voted ''yes.''

OCTOBER 29, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1010: Motion to Suspend the Rules and Pass H.R. 3224, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1011: Motion to Suspend the Rules and Agree on H. Res. 573, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1012: Motion to Suspend the Rules and Agree on H. Res. 747. Had I been present, I would have voted ''yes.''

NOVEMBER 5, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1034: Closing Portions of the Conference on H.R. 3222. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1035: Motion to Suspend the Rules and Pass H.R. 513, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1036: Motion to Suspend the Rules and Agree on H. Res. 744. Had I been present, I would have voted ''yes.''

NOVEMBER 7, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1058: Motion to Suspend the Rules and Agree on H. Con. Res. 236, as amended. Had I been present, I would have voted ''yes.''

NOVEMBER 13, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1082: Motion to Suspend the Rules and Pass H.R. 3315. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1083: Motion to Suspend the Rules and Pass H.R. 1593, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1084: Motion to Suspend the Rules and Pass H.R. 3403, as amended. Had I been present, I would have voted ''yes.''

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1085: Motion to Suspend the Rules and Pass H.R. 3461, as amended. Had I been present, I would have voted ''yes.''

NOVEMBER 14, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1095: Motion to Adjourn. Had I been present, I would have voted ''no.''

DECEMBER 6, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1141: Motion to Suspend the Rules and Pass H.R. 2085. Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLNOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber last night and this morning. I would like the RECORD to show that, had I been present. I would have voted ''yea'' on rollcall votes 1163 through 1176.

PAYING TRIBUTE TO THE ''PARTNERSHIP FOR A DRUG-FREE AMERICA'' ON THEIR 20TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take a moment to honor one of our most successful and important educational campaigns, the Partnership for a Drug-Free America, for 20 years of outstanding service.

Best known for its national drug-education campaigns, the Partnership for a Drug-Free America continues its mission to reduce illicit drug use in America by uniting communications professionals, renowned scientists, and parents.

What began in 1986 as a 3-year endeavor to ''unsell'' drugs to the American public, has turned into the largest public service campaign in our Nation's history. The pro bono work of some of the country's best advertising agencies across all forms of media has allowed the Partnership's anti-drug message to reach the public on local and national levels for the past two decades.

The organization first entered the wider public consciousness in 1987, with its ''This is Your Brain on Drugs'' broadcast and print public service announcements, which used the analogy that if a person's brain were an egg, using drugs would be like frying that egg. Another PSA featured a television, a trip to Paris, and a new car all disappearing right under the nose of a cocaine user. Still another that year focused on how a drug-induced high is like diving into an empty swimming pool. All these commercials and print campaigns were praised in a speech given to those involved executively with PDFA by then-President George H.W. Bush in late 1989.

Since then, the Partnership has grown from simple advertising into a drug prevention and treatment resource. Parents and caregivers can request materials and teaching aids that they can use to effectively address drug and alcohol abuse with their children. A major new initiative now unfolding integrates the latest science and research with the most effective traditional media and digital communication techniques to give parents the tools, resources and support they need to help their children lead healthy lives. This effort—the first ever for the Partnership—will include a Web-based interactive information resource center, parent-to-parent support network, a national toll-free call center and user-friendly online/offline tools.

Time and time again, the Partnership proves that the media industry can play a very positive role in influencing our young people to turn away from drugs. Fueled by their educational programs and grassroots community outreach efforts, the use of illicit drugs across the country has fallen by almost a third. Adolescent drug use alone is down by 19 percent in just the past 4 years and 32 percent since its inception.

To celebrate the accomplishments and longevity of the organization, the Partnership will kick off its 20th anniversary at its annual gala being held on November 27, 2007 at the Waldorf Astoria in New York City. The Partnership will honor William C. Weldon, chairman and CEO of the Johnson and Johnson Corporation.

In light of this momentous occasion, I congratulate the staff and volunteers of the Partnership for a Drug-Free America on 20 years of influential service to our Nation. I ask my colleagues to join me in commending them for continuing on with their vision to raise awareness on how we can prevent substance abuse in our communities and make America a safer and sober place to live.

TRIBUTE TO JOHN COUCH

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor John Couch, a community leader from Atascadero, California, on his retirement after 17 years of serving the city, most currently as chief of police.

Chief Couch grew up in North Dakota. After graduating high school in 1970, Chief Couch enlisted in the United States Army and was stationed in Vietnam, serving with the 114th Assault Helicopter Company. He completed his service with the Army in 1973 and enrolled in California State University, Sacramento, where he earned his degree in criminal justice administration in 1977. Alter his graduation, Chief Couch worked for the city of Santa Clara Police Department for 13 years and achieved the rank of sergeant. Since 1990, Chief Couch has served in the Atascadero Police Department.

Chief Couch was elevated to the rank of chief on October 7, 2004. During his tenure, he has instituted many, improvements to the police department. For example, Chief Couch facilitated the purchase of additional motorcycles for the Traffic Division and added computers and in-car video to all Atascadero Police Department patrol vehicles. He improved the efficiency of law enforcement in Atascadero by creating a special enforcement team, upgraded the capabilities in dispatch, made technical improvements to the radio repeater system, and implemented a crime free multi-housing program and a new traffic safety program. Chief Couch also succeeded at improving the police department retention and recruitment process and the department's relations with the community it serves by expanding community outreach and education programs.

Community service is a central priority for Chief Couch even in his off-duty life. Chief Couch is a member of the Atascadero Kiwanis Club. He also serves on the local board of directors for both the Women's Shelter and the Salvation Army. Finally, in addition to serving as chief of police. John is the chief driver and mechanic of the bus for the Atascadero Bible Church.

Chief Couch and his wife Margie have been married for 25 years and have raised two children, Brittany and Jared.

Dedicated to serving his community in a variety of ways, Chief Couch's leadership at the Atascadero Police Department will he sorely missed and difficult to replace, but his well-deserved retirement will give him the ability to spend more time with friends and family. I commend his service to the City of Atascadero and I hope that Chief Couch enjoys his transition into the next stage of his life.

CONGRATULATIONS TO MIDLAND HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I rise to congratulate and pay tribute to the Midland High School football team for reaching the Michigan High School Athletic Association 2007 Division Two State Championship game. This was the team's third trip to the state finals since 1990.

The Midland Chemics led most of the hard-fought final game against Detroit Martin Luther King High School. However, King took the lead in the fourth quarter and held off Midland. The game marked the end of a successful season, in which the Chemics finished with an 11–3 record.

A week earlier it was Midland who pulled off the impressive come-from-behind victory, defeating Lowell High School. They scored 24 unanswered points in the second half to win 31–27 and earn their spot in the title game. In the playoffs they also defeated Davison, Bay City Central, and Arthur Hill en route to the finals.

The accomplishments of these student athletes are a testament to the years of hard work and dedication leading up to their playoff run. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the Midland High School Football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING DANIELLE ''DANIE'' VANDERPOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Danielle ''Danie'' Vanderpool as a dedicated volunteer, assisting veterans at the Iowa Paralyzed Veterans of America in Des Moines.

Danie, a nine-year-old from Indianola, Iowa has volunteered for the dinner and a movie night every Monday night for the past 3 years. After dinner she cleans off the tables, helps set up chairs and serves popcorn, putting smiles on veterans' faces. Danie was inspired to volunteer by her wheelchair-bound grandmother, Shonnae Lundy, who also volunteers at the IPVA.

Danie has left a lasting positive impact on many veterans and their families. The late Jimmy Hauck, a U.S. Navy veteran, nicknamed Danie the ''Popcorn Girl.'' Jimmy took a liking to Danie as she always kept all the popcorn bowls full. She truly exemplifies the Iowa spirit of neighbors helping neighbors.

It is a great honor to represent Danie Vanderpool in Congress. I commend Danie's willingness to volunteer and I wish her all the best in her future endeavors.

HONORING 10 MEMBERS OF THE NORTH CHICAGO FIRE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor 10 members of the North Chicago Fire Department for going beyond the call of duty to save the life of a 10th district resident.

On November 26 of this year, the fire department was dispatched to the scene of a gunshot victim. Once notified that the victim had received a gunshot wound to the face, a Flight for Life helicopter was immediately called. With the gunman presumed to still be in the area, paramedics Patrick Michael and Gerry Goniwicha went to the aid of the victim despite considerable risk to their lives. Patrick and Gerry quickly moved the injured person to the ambulance and began to clear an airway and stop the bleeding.

As the paramedics worked, additional personnel were called to help the victim and establish a landing zone for the helicopter. Paramedics Joshua Rickabaugh and Joshua Monroe came to the assistance of the ambulance crew to help with patient care and transportation to the helicopter.

At the landing zone site, Commander Keith Humphries met with paramedics Chris Shearer, Keith Peacy and Jason Lambert to set up a safe place for the helicopter to land. The firefighters successfully established a landing zone in very tight quarters and the patient was quickly transferred to the helicopter. Once in the helicopter, Flight for Life nurse Julie Heyer, and flight medic Stu McVicar took over treatment until the team reached the Level I Trauma Center at Lutheran General Hospital. This victim had a shattered jaw and severed carotid artery, with the bullet initially going into the heart. The victim is still in critical condition, but without the firefighters and medical personnel going into an area where a gunman could still be present, performing their skills flawlessly even with the extreme injuries involved, the victim would not have had a chance.

On behalf of the House of Representatives, I commend Patrick Michael, Gerry Goniwicha, Keith Humphries, Joshua Rickabaugh, Chris Shearer, Keith Peacy, Jason Lambert, Joshua Monroe, flight nurse Julie Heyer, and flight medic Stu McVicar for their amazing actions.

STATEMENT ON THE RETIREMENT OF BUTCH HINTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to a dedicated and loyal public servant, Henry L. ''Butch'' Hinton. On January 4, 2008, Mr. Hinton will retire following a distinguished 37-year career with the United States Government Accountability Office, GAO, capped by 13 years as the Managing Director of the agency's Defense Capabilities and Management team.

Mr. Hinton began his career with GAO in 1970, rising through the ranks to lead one of its major divisions—the National Security and International Affairs Division, and after an organizational realignment, one of its key teams—the Defense Capabilities and Management team. He is an acknowledged subject matter expert on a wide variety of national security programs and policy issues dealing with defense planning and budgeting, force structure and readiness, weapon systems acquisitions, homeland defense, military and civilian personnel, logistics, infrastructure, and business and force transformation. In addition, he has an in-depth understanding of the Federal legislative and regulatory processes.

Through the years, I have had the privilege of working with Mr. Hinton in my capacity as both chairman and ranking member of the House Armed Services Committee. As a result of his work on highly sensitive and complex issues related to military readiness, threats to national and global security, the global war on terrorism, the base realignment and closure process, and human capital management, he has been a two-time recipient of the Comptroller General's Award for exceptional effort and achievement of results in support of the Congress and the American taxpayer. He has also received GAO's Integrity Award, two GAO Distinguished Service Awards, and GAO's Meritorious Service Award.

GAO was created in 1921 with the mandate to audit, evaluate, or investigate virtually all Federal Government operations—wherever they might take place. In other words, the GAO serves as a ''watchdog'' over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

GAO evaluations under Mr. Hinton's guidance and leadership have saved taxpayers billions of dollars. During his career as head of GAO's National Security and International Affairs Division, and GAO's Defense Capabilities and Management team, Congress has implemented numerous recommendations resulting from his work. He has also led the work on reports to improve the readiness and capabilities of active and reserve forces, oversight of military operations including the use of contractors on the battlefield, reliability of cost reporting, transparency over military compensation costs, defense planning in such areas as infrastructure and force protection, and efforts to transform the Department of Defense's business operations, including the need for a Chief Management Officer.

Madam Speaker, Butch Hinton's tenure at GAO has been characterized by success on every level. He has served as an example of a truly exceptional public servant. I am sure my colleagues will join me in wishing him well in his retirement.

HONORING MAYOR FRED TURNAGE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, for the past 34 years, Rocky Mount, North Carolina has known only one mayor—Fred Turnage. During his tenure, he showed time and time again that he was one of our State's finest and most effective leaders.

Part of what makes him such a great leader is that he truly understands how to be a public servant. Mayor Turnage wanted to improve the quality of life of every single person living in Rocky Mount; he always had big plans for improving the city for the people; and, he always worked as hard as he could to achieve his goals.

Mayor Turnage successfully navigated the city through its darkest time in the aftermath of Hurricane Floyd in 1999. The storm dumped 20 inches of rain on a region already saturated by two previous storms. Floyd engulfed neighborhoods, communities and entire towns with floodwaters and killed 16 people in the Twin Counties.

Almost a tenth of the city was flooded; 1,000 structures were destroyed with damage estimated at $400 million; and, hundreds of residents were evacuated from their homes.

During those dark days, Mayor Turnage provided the strong leadership needed to give people a sense of comfort and the belief that the community could rebuild and be stronger than it was even before the storm.

Under his leadership, Rocky Mount successfully moved forward with a plan to rebuild, expand and strengthen the city beyond what it had been prior to the storm. Grants, private funds and city budget commitments paid for the new Imperial Centre, Rocky Mount Sports Complex, YMCA, Braswell Memorial Library, several parks and the train station.

During his three decades at the helm of the city, Mayor Turnage helped to successfully navigate the community as it moved from a tobacco and textile city to one that relies on diverse factories, small businesses and tourism.

Mayor Turnage has presided over more than 700 City Council meetings and he's missed just six in his 34-year tenure. Two of those absences occurred because he was out of town on city business.

He grew up in Rocky Mount, graduated from what was then Rocky Mount Senior High in 1954 and moved on to Wake Forest University. He graduated from law school in 1961 and returned to Rocky Mount to work as an attorney. He then worked as assistant clerk of court for about 18 months before he opened his own law firm. In those days there were no district attorneys, so he ran successfully for prosecuting attorney for Nash County.

In 1971, he was elected to the City Council. At age 37, two years later, he was elected Rocky Mount's youngest mayor.

In December, Mayor Turnage turned over the gavel and the city had its first new mayor in 34 years. Mayor Turnage, and his wife, Norma, have been strong and steady leaders for their community, and they have succeeded in making their community a better place for everyone there.

Please join me in recognizing the great accomplishments of Rocky Mount's mayor, Fred Turnage.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. WOOLSEY. Madam Speaker, on December 18, I was unavoidably detained and was not able to record my votes for rollcall No. 1174–1182, had I been present I would have voted:

Rollcall No. 1174, ''yes''—Providing for the consideration of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 6. Energy Independence and Security Act.

Rollcall No. 1175, ''yes''—Providing for the consideration of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 6, Energy Independence and Security Act.

Rollcall No. 1176, ''yes''—Veterans Guaranteed Bonus Act.

Rollcall No. 1177, ''yes''—Energy Independence and Security Act.

Rollcall No. 1178, ''yes''—Terrorism Risk Insurance Revision and Extension Act.

Rollcall No. 1179, ''yes''— Sudan Accountability and Divestment Act.

Rollcall No. 1180, ''yes''—Expressing the unconditional support of the House of Representatives for the members of the National Guard.

Rollcall No. 1181, ''yes''—Providing for the concurrence by the House in the Senate Amendments to H.R. 3997, with an amendment.

Rollcall No. 1182, ''yes''—U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.

IN RECOGNITION OF THE PANPAPHIAN ASSOCIATION OF AMERICA ON THE OCCASION OF ITS ANNUAL DINNER-DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to pay tribute to the PanPaphian Association of America for its tremendous contributions to our cultural and civic life. Founded two decades ago by Hellenic Cypriot Americans of Paphian ancestry, the Association has carried out its vital educational and humanitarian mission while helping promote peace and understanding on the occupied island of Cyprus.

The PanPaphian Association of American is holding its annual dinner-dance this month, at which its members will honor Mr. Nikos Tziazas with the Evagoras Pallikarides Award. Born in Paphos, Mr. Tziazas immigrated to the United States in 1979 after graduating from high school and serving more than two years in the Cypriot National Guard as an artillery officer. While in college, he became an active member of the Zenon Association; general secretary and a member of the soccer team at the Eleftheria Football Club; and an active member of the Cypriot Students Association. After graduating from St. Francis College with a degree in management and finance in 1986, Nikos Tziazas started his first company, National Mortgage Finders, and simultaneously began coaching soccer at the Eleftheria Pancyprian Youth association. In 2006, he became president of its soccer club. Under his leadership, the club became one of the largest and most successful in the Cosmopolitan Junior Soccer League and in the community of persons of Hellenic descent. In 2005 he served as president of the Panpaphian Association. Currently Nicos Tziazas is president of Lyons General Insurance Agency, and remains active in youth activities as president of the Eleftheria Pancyprian Youth Soccer Club. He is a devoted to his wife, Kalina, and his children, Kristothea and Nicholas.

The PanPaphian Association is bestowing its Distinguished Fellow Cyprian Award on Despina Axiotakis. She was born in Asgata, Limassol on Cyprus, where her father, Kyriacos Ioannou, was well known as the ''Palikari'' for exhibiting tremendous feats of strength. With her family, she immigrated here in 1956. After her education at the Traphagen School of Fashion, she entered the business world and today serves as president of Axiocom Productions, a firm specializing in public relations.

Despina Axiotakis became active in the political arena, serving the presidential campaigns of Governors Michael Dukakis and Bill Clinton. She has served on the Board of Directors of the Greek Children's Fund and the Church of the Assumption in Windham, New York. While serving as president of the Asgata Association Cyprus Woman's Division, she founded the Asgata Youth and Dance Division that included teaching the group Hellenic and Cypriot dances. In addition, she was the editor of the ''Asgata Newsletter'' for more than eight years. She serves as general secretary of the Cyprus Federation of America, a position she has held for more than 15 years. At the same time she has served as executive director of the Cyprus United States Chamber of Commerce. Despina is devoted to her husband, John, their 2 children, Lucas and Irene, and their 5 grandchildren.

The PanPaphian Association is honoring as its ''Member of the Year'' Mr. Michael Ioannou Michaels. Born in Kalavasos, Cyprus, he immigrated to the United States at the age of 21 and began working on ships as a welder. Mr. Michaels eventually started his own construction company. Although he adopted the United States as his new home, he never lost the connection with his native country, and became involved in several organizations such as the Cyprus Federation of America, the PanPaphian Association, and Kalavasos Fraternity, which he serves as acting president, and also participates in the Pancyprian soccer team and the Cyprian dance group. One of his most noteworthy contributions to civic life is his generous and selfless devotion to the Rachel Cooper Foundation, which enables children with congenital heart disease from Cyprus and other countries to be flown to the U.S. for urgent medical care. Although he recently lost his beloved wife Olympia, Mr. Michaels remains devoted to her memory and to his daughter, Martha, and her husband, Andy.

Madam Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to the PanPaphian Association of America and all its good works.

HONORING THE WEST GENESEE HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the West Genesee High School Football Team, 2007 Class AA New York State Football Champions. The West Genesee Wildcats defeated Monroe-Woodbury Crusader by a score of 42–21, earning West Genesee High School's first state football championship title.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise head coach Steve Bush, and Assistant Coaches Joe Corley. John Lawrence, Tim Lane, Corey Brooks, and Dana Eells on their team's success. I look forward to another exciting year when the Wildcats take the field to defend their title in 2008.

Joe Kesler, Dave Hildman, Matt McCabe, Joe Fazio, Ryan McConnell, George Eunice, Jim Marks, James Grecco, Nick Aiken, Tim Moran, Jeremy Jones, Kyle Nojaim, Nick Collins, Pat Shanley, Mike Carter, Jeremy Connors, Tim Town, Mike Simiele, Yaw Awuah, Mike Mercer, Ben Waldron, Sirron Wright, Mike Delaney, Marcus Armstrong, Josh Cruz, Tom Flynn, Will Furdyn, AJ Reese, Scott Erikson, Nate Wells, Rich Longo, Mark Ferguson, Nick Pedrotti, Christos Dimkos, Mike Gagnon, Nick Cammuso, Nick Rinaldi, Kevin Heron, Stefan Cavedine, Mike Severance, John Gacek, Vinny Lananna, Ossamia Mere, Craig Simmons, Ben Wysokowski, Stephen Pooler, Tony Pedrotti, Doug Ayer, Jake Fietkiewicz, Dan Kolinski, Jeff Mancuso, Kevin Petrick, Luke Cometti

THE NATIONAL DIABETES COORDINATOR ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. INSLEE. Madam Speaker, yesterday I introduced The National Diabetes Coordinator

Act, H.R. 4836. As some of my colleagues who have worked on issues relating to diabetes may be aware, the Federal Government spends over $80 billion per year treating diabetes and its complications.

Since 1980, the number of Americans suffering from diabetes has doubled to more than 20 million, and that number is projected to double again by 2025.

The serious complications stemming from diabetes—including heart disease, high blood pressure, stroke, blindness, amputation and renal disease—are well documented and even more importantly, they are largely preventable with proper management and treatment.

To that end, H.R. 4836 would establish a National Diabetes Coordinator to coordinate research and prevention activities throughout the federal government, including agencies such as the Department of Veterans Affairs and the Department of Defense.

We need this kind of comprehensive approach to get our hands around what is rapidly becoming an all-encompassing epidemic. A recent study found that one out of every eight Federal health care dollars is spent treating people with diabetes. The total amount of money spent on diabetes is nearly equal to the entire budget for the U.S. Department of Education, roughly $80 billion.

While we expend vast resources on this effort, of that $80 billion, less than 1 percent is spent on direct diabetes prevention. When you also consider that 18 of 21 Federal agencies spend money on diabetes, there is a clear need for a National Coordinator to establish a strategy to prevent and reduce diabetes and its complications.

We have seen evidence that this approach can work. A recent Agency for Healthcare Research and Quality, AHRQ, study demonstrated that Medicare and Medicaid could save $2.5 billion a year by presenting diabetes and its complications with appropriate primary care. The city of Asheville, North Carolina saved $2.000 per employee with an innovative diabetes management program. The NIH-sponsored Diabetes Prevention Project proved that we can prevent and delay diabetes and its complications by 58 percent.

A National Diabetes Coordinator will provide the Federal leadership necessary to maximize the funds the Federal Government is currently spending to save money and lives. Further, a National Diabetes Coordinator with specific responsibilities to work across agencies to prevent and reduce diabetes and its complications will be a model for how the U.S. can deal with other chronic diseases such as heart disease.

As we consider how to move forward in the fight against diabetes, I encourage my colleagues to think of these statistics: one in three kids born today will get diabetes, and that figure rises to one in two in minorities. Further, 32 percent of the Medicare program is spent on the 18 percent of beneficiaries with diabetes. We need Federal leadership provided in H.R. 4836 to help reverse these trends and make a difference for future generations.

MOURNING THE DEATH OF CONGRESSWOMAN JULIA MAY CARSON

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to mourn the passing of Congresswoman JULIA MAY CARSON, a committed and valued voice for justice, who passed away on December 15, 2007. Congresswoman CARSON was born on July 8, 1938 in Louisville, Kentucky. She grew up in Indianapolis, Indiana where she would lead a remarkable life committed to justice for all. Congresswoman CARSON was loved by many for her effervescent personality and fighting spirit. She served her constituents of the 7th Congressional District of Indiana for 6 terms in the United States House of Representatives. She was the first African-American and woman elected to serve Indianapolis in Congress.

In her youth, Ms. CARSON overcame obstacles created by race, gender and poverty as the child of a single teenage mother. She attended and graduated from Crispus Attucks High School in 1955, a deeply segregated school in Indianapolis. However, her battles with injustice motivated her to pursue degrees in higher education at Martin University and Indiana University-Purdue University Indianapolis. Her career in public service began in 1965, when she was hired as a staff assistant and aide to Congressman Andrew Jacobs, Jr., her mentor and predecessor in the 7th District of Indiana. She worked diligently on casework and other important legislative matters until 1972, when she ran and won a seat in the Indiana State House of Representatives. She served in the Indiana State House from 1972–1976 and in the Indiana State Senate from 1976–1990. In 1990, she was elected as a trustee for Center Township in downtown Indianapolis. As trustee, she was a just leader and a voice for reform. Her thoroughness and fiscal responsibility helped her manage the welfare rolls by providing assistance to those that needed it and removing those that did not. As a result, she transformed the office's $20 million debt into a $6 million surplus. She served as trustee for 6 years prior to her election to Congress.

In 1996, after a competitive campaign, Congresswoman CARSON replaced her mentor and predecessor Andrew Jacobs, Jr., as the representative for Indiana's 7th District. On January 3, 1997, she missed her congressional inauguration due to health problems. Her congressional tenure was replete with obstacles from failing health to closely competitive campaigns, but her tenacity and love for her district would not let anything impede her sincere dedication to her constituents. She never stopped caring for her district and she never lost a race. One of her most notable achievements in the House was passing a measure awarding the Congressional Gold Medal to Rosa Parks. Another milestone accomplishment was a bill she cosponsored with Senator RICHARD LUGAR to remove blocks on child health insurance created by government agencies. She always sponsored legislation that helped the poor and homeless, veterans, and faithful American taxpayers. She served on the House Committee on Financial Services and the Committee on Transportation and Infrastructure. Her 10 years in the House were a testament of perseverance, devotion and inexhaustible compassion.

Madam Speaker, I urge my colleagues to commend the life and mourn the passing of Congresswoman JULIA CARSON.

A TRIBUTE TO REVEREND LEARY E. BONNETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Reverend Leary E. Bonnett. Reverend Bonnett, a native of Guyana, completed the General Certificate of Education and high school examinations through the University of London before migrating to the United States.

Reverend Bonnett earned his Bachelor of Arts Degree in Economics from Queens College of the City University of New York. He went on to pursue a Master of Arts Degree in Human Resources Development from Webster University in St. Louis, Missouri as well as a Master of Divinity Degree from New York Theological Seminary. Reverend Bonnett is currently completing work towards a Doctor of Ministry Degree at United Theological Seminary in Dayton, Ohio. specializing in spirituality and leadership for the 21st century.

Reverend Bonnett enlisted in the U.S. Army after college in order to fulfill a deterred draft commitment granted to full-time students during the Vietnam War. He attended Officers Candidate School at Fort Benning, Georgia and was commissioned as a Second Lieutenant. After 13 years of distinguished military service, he separated from active duty with rank of Major. His military decorations include the U.S. Army Good Conduct Medal; the U.S. Army Achievement Medal; and the U.S. Army Commendation Medal.

Reverend Bonnett is the former Executive Director of a parochial day school in the Rockaway section of Queens. While there he streamlined the curriculum to meet New York State standards. In addition, Reverend Bonnett served with the Salvation Army providing therapeutic crisis intervention to at-risk youths. After the attacks of September 11, 2001, he joined a team of family support specialists with the American Red Cross to providing benefits and support to family members who lost loved ones or were injured in the terrorist attack.

Reverend Bonnett is currently the Director of Christian Education at the Berean Missionary Baptist Church in Brooklyn. He is the Founder and Executive Director of Silence The Guns, an educational organization dedicated to eliminating handgun usage among America's children. He is also the author of two books; Failure is Not the Problem: and Joy Cometh in the Morning.

Reverend Bonnett resides in Brooklyn with his wife, Dr. Terry Jan Blackett-Bonnet. He has three children, Kimbia, Amilcar and Haron.

Madam Speaker, I would like to recognize Reverend Bonnett's selfless contributions and his works as a mentor to the children of Brooklyn.

Madam Speaker, I urge my colleagues to join me in paying tribute to Reverend Leary E. Bonnett.

RECOGNIZING KERN RIVER OIL FIELD'S TWO BILLIONTH BARREL OF OIL PRODUCED

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MCCARTHY of California. Madam Speaker, I rise today to recognize an important milestone achieved in oil production in my district as the Kern River Oil Field recently produced its two billionth barrel of oil.

Over 100 years ago in 1899, ''black gold'' was discovered at Kern River when a father-son team hand-dug a 45 foot deep discovery well. This oil discovery set off a boom in Kern County leading to population growth and the discovery of more and more oil fields in the region. In 1903, Kern River, in addition to other oil fields discovered at the turn of the region, made California the top oil-producing state in the Union. In fact, in 1904, Kern River produced more than 17.2 million barrels of oil, which, at that time, was more oil produced than in the entire State of Texas.

In the early 1900's, oil production peaked at nearly 50,000 barrels per day, and then decreased to an average of about 10,000 barrels per day. However, due to human ingenuity, hard work, the advent of the steam injection (or ''steamflooding'') oil production process in the early 1960's, and cogeneration in the 1980's, today, Kern River produces approximately 82,000 barrels of oil per day.

With its production of the two billionth barrel of oil, Kern River joins only two other fields in a select, elite class of oil fields in California that have produced over two billion barrels of oil. Just to put this into perspective. two billion barrels of oil, once refined, on average, yields more than 43 billion gallons of gasoline. Subsequently, the Kern River Oil Field is the fourth largest field in the lower United States, the third largest field in California, and the second largest field in Kern County.

Today, Chevron North America Exploration and Production owns and produces nearly all of the oil at Kern River. A vital economic backbone of Kern County, Chevron at Kern River employs more than 345 individuals and has upwards of 800 contractors working at the field, and creates countless secondary and tertiary oil and non-oil related jobs in the community. In addition. Chevron at Kern River contributes more than $24 million in property taxes to the County of Kern on an annual basis, and is a community leader in supporting various education and charitable causes.

Kern River is a heavy crude oil field, meaning the oil is a thick, viscous liquid that needs to be heated and pumped out of the ground. Generally, primary heavy oil recovery extracts between 5–10 percent of the oil from the ground, while hot waterflood recovery processes increase that recovery rate to between 15–25 percent. Yet, the steamflood recovery process can increase recovery rates to 50–80 percent. With the steamflood technological recovery advances of Chevron at Kern River. Chevron has been able to maximize production of the vast oil reserves of this field and has extended the life of this field for decades.

As a leader in heavy oil production, Chevron has established an International Heavy Oil Center at Kern River in order to collaboratively develop and deploy heavy oil production technologies worldwide, as well as to become a hub for heavy oil development. These technological advances developed at Kern River, as well as at other fields, will increase the ability of the industry to maximize the Earth's oil reserves' potential and help satisfy our energy demands.

What started out in 1899 as one hand-dug well, Kern River has developed into one of the largest oil fields in the United States with more than 9,000 producing oil wells. Again, I rise today to recognize the importance of Kern River producing its two billionth barrel of oil and to join with Chevron in celebrating this milestone. I look forward to continued production at this field for many years to come.

TRIBUTE TO FULTON-MIDDLETON HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I rise to congratulate and pay tribute to the Fulton-Middleton High School football team for reaching the Michigan High School Athletic Association 2007 Division Eight State Championship Game. It was the team's first finals appearance since winning the 1998 State championship.

The Fulton-Middleton Pirates lost a hard-fought final game to Crystal Falls Forrest Park High School. In the defensive battle, they pulled within one score of the Crystal Falls Trojans late in the fourth quarter, but were unable to get back the ball to attempt a game-tying drive. It was the Pirates only loss of the season. On the road to the final game, the Pirates defeated Fowler, New Lothrop, Our Lady of the Lakes, and Climax-Scotts in the playoffs.

The Pirates accomplishments pay testament to the years of hard work and dedication of these student athletes. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the Fulton-Middleton High School football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING FORT DODGE, IOWA CITY COUNCILWOMAN JANE BURLESON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Fort Dodge, Iowa City councilwoman, Jane Burleson, for her 24 years of distinguished public service to the people of Fort Dodge.

In 1982, the citizens of Fort Dodge elected Jane as the first woman and first African American to serve on the council. Jane overcame many barriers to serve and contributed a fresh and different perspective. Her dedication and commitment to improving the city is a true measurement of her leadership and care for her community. Jane's guiding presence on the council will certainly be missed, but the legacy she leaves will inspire many to dream big reach high and achieve great accomplishments.

I know that my colleagues in the United States Congress join me in commending Jane Burleson for her leadership and service to Fort Dodge, Iowa. I consider it an honor to represent Jane in Congress and I wish her the very best in her future endeavors.

HONORING LT. THOMAS CHRISTENSEN AND FIREFIGHTER JEREMY BROWN OF THE WAUKEGAN FIRE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor Lieutenant Thomas Christensen and Firefighter Jeremy Brown of the Waukegan Fire Department.

As Hazardous Device Technicians, Lt. Christensen and Firefighter Brown were the driving force behind the City of Waukegan's effort to secure a grant from the Illinois Terrorism Task Force for an Andros F6A Robot and transport vehicle to better respond to hazardous device incidents.

Currently there are only 12 bomb squads in Illinois. The Waukegan squad services Lake and McHenry counties in northeastern Illinois. Last year, the squad responded to more than 40 bomb calls. The most notable was a bank robbery where the suspect claimed to have an explosive device which he left on the teller counter after fleeing the crime scene.

With the F6A Robot and transport vehicle, the Waukegan Fire Department is better equipped to respond to bomb related calls. This equipment would not be possible without the diligence of Lt. Christensen and Firefighter Brown. The two men conceived the idea, developed the justifications and specifications and oversaw the construction.

Lt. Christensen and Firefighter Brown represent an outstanding division that was first formed in 1971. The team consists of several certified bomb squad members who put their lives on the line on a daily basis for northeastern Illinois.

I am proud of the achievements of these fine first responders.

TRIBUTE TO BERNIE FECHTEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the work of

Bernie Fechtel of Jefferson City, Missouri. A successful businessman in central Missouri, Mr. Fechtel served as the Chairman of the Board for the Jefferson City Chamber of Commerce in 2007.

During his time as Chairman, the local Chamber was awarded the Missouri Chamber of Commerce and Industry's ''Chamber of the Year'' award in recognition of the Chamber's effectiveness and efficiency in implementing its economic goals. Jefferson City is the fifth city in history to receive this distinguished award.

Mr. Fechtel will continue to serve the Jefferson City Chamber of Commerce in 2008 as it's Chairman-Emeritus. I trust that Members of the House will join me in thanking Bernie Fechtel for his outstanding leadership and vision.

A TRIBUTE TO MRS. MARGARET BEULAH COLVERT ALLEN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to pay tribute to one of America's most deserving citizens, Mrs. Margaret Beulah Colvert Allen, who will be celebrating her 100th Birthday on August 2, 2008. Although Mrs. Allen was born in Statesville, NC, she presently resides in Congressman Bobby Scott's Congressional District, so we are both equally pleased and proud to share her as our friend and constituent.

Over the years, Mrs. Allen has assumed many different roles. She was a dedicated homemaker and was also employed for several years as a substitute teacher, seamstress, supervisor of arts and crafts at her area community recreation center, and a food service worker at the Veterans Administration Hospital.

Madam Speaker, Mrs. Allen has dedicated 75-faithful years of her life as a member of the Saint Paul A.M.E. Church. She has served as steward and stewardess and on several different committees including the Committee of Concern, which she chaired for many years. Mrs. Allen was also very involved in her community's Y.W.C.A. and the elementary and high school Parent Teacher Association.

By all accounts, Mrs. Allen is a ''wonderful mother.'' Due to her husband's early death, Mrs. Allen was forced to rear five children as a single parent. Marion A. Christian, John C. Allen, III, Charles C. Allen, Beverly A. Henderson and Lynne C. Allen are the Allen children. All of the Allen children completed college and have reared successful children of their own.

Madam Speaker, over her lifetime, Mrs. Allen has lived through some of the most significant historical periods of our time. Like so many of the great historical monuments she has stood the test of time and has survived Reconstruction; lynching; World War I; the Great Depression; World War II; the period of segregation; the Civil Rights Movement; Voting Rights Movement; School Desegregation and other momentous times. She is indeed a walking history reference and we take great pride in recognizing her for being blessed with such longevity.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. WOOLSEY. Madam Speaker, on December 17, 1 was unavoidably detained and was not able to record my votes for rollcall Nos. 1163–1173.

Had I been present I would have voted:

Rollcall No. 1163—''yes''—Expresses heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007.

Rollcall No. 1164—''yes''—Honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007.

Rollcall No. 1165—''yes''—Same Day Rule.

Rollcall No. 1166—''yes''—Same Day Rule.

Rollcall No. 1167—''yes''—Sine Die Adjournment resolution of the 1st Session of the 110th Congress.

Rollcall No. 1168—''yes''—Providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008.

Rollcall No. 1169—''yes''—Providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008.

Rollcall No. 1170—''yes''—To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

Rollcall No. 1171—''yes''—Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008—Amendment No. 1.

Rollcall No. 1172—''no''—Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008—Amendment No. 2.

Rollcall No. 1173—''yes''—Recognizing and celebrating the centennial of Oklahoma statehood.

IN TRIBUTE TO ANGIE MARKHAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Angie Markham, a great American who serves as the Executive Director of the Federation of Italian-American Organizations of Queens, Inc. Angie Markham is devoted to her family and her community. In recognition of her selfless dedication to the well-being of others, she was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

Next year will mark two full decades of distinguished service by Angie Markham as Executive Director of the Federation of Italian-American Organizations of Queens, Inc. As the leader of the Federation, Angie Markham has developed and managed countless worthwhile initiatives that have provided essential services to the community. These include an annual Columbus Day Parade in Queens; a surplus food distribution program; an annual 5-Kilometer Run to Help Fight Drug Abuse; Italian Heritage Cultural Month festivities coordinated with the office of the Queens Borough President, St. John's University, and several other community-based organizations; soccer camps, clinics, and tournaments for area youth; weekly cultural and entertainment events every summer in Athens Square Park in Astoria; classes in Italian language and culture, English as a second language, and civics. While devoting her time and attention to this incredible range of activities, Angie Markham has also remained devoted to her family as a beloved wife and mother.

In recognition of her many outstanding contributions to the community, Angie Markham has been honored by numerous organizations and leaders. She has been honored by the Queens Borough President's office, by State Senator George Onorato, by State Assemblyman Michael Gianaris, and by New York City Councilman Peter Vallone, Jr., as well by numerous government agencies and civic associations.

In being honored by the Taminent Regular Democratic Club, Angie Markham's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato. The Taminent Club proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to our cultural and civic life made by Angie Markham.

HONORING THE BISHOP LUDDEN HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Bishop Ludden High School Football Team, 2007 Mass C New York State Football Champions. The Bishop Ludden Gaelic Knights defeated the Dobbs Ferry Eagles by a score of 21–16, earning Bishop Ludden's first state football championship title.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise head coach John Cosgrove, and Assistant Coaches Mike Rogers and Bill Cloonan on their team's success. I look forward to another exciting year when the Gaelic Knights take the field to defend their title in 2008.

Steven Barrett, Eric Beauford, James Braithwaite, Connor Brown, Casey Christo, Conor Cosgrove, Christopher Davis, Mark Deangelis, Yaroslav Fentsor, Nicholas Ferrante, Daquan Grobsmith, Christopher Harding, Michael Hogan, Eugene Law, Jiyhouh Ly, William McGrath, Julio Ortiz, Omar

Osbourne, Joseph Rathbun, John Rooney, Patrick Rosanio, Benjamin Searle, Nathaniel Stewart, Connor Sweeney, Jake Szelewski, Devin White, Wendall Williams, Joevon Works

THE MEDIA OWNERSHIP ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. INSLEE. Madam Speaker, as much of America now knows, yesterday in a split decision, the Federal Communications Commission (FCC) voted to approve new media ownership rules that in many ways are far worse for the public interest than anything previously revealed by FCC Chairman Martin.

Prior to yesterday's vote. Chairman Martin had attempted to portray his proposal as a ''moderate compromise'' that would allow one company to own both a daily newspaper and a low-rated broadcast TV station in only the 20 largest media markets. But research from Free Press—collected in the Devil in the Details report—exposed how the loose and ambiguous ''waiver'' standards in the proposal left a giant loophole for companies to sidestep the ban in any market and for any station.

The final rule, rewritten in the middle of the night before the hearing, retains all of the original loopholes and adds additional loopholes that appear to allow cross-ownership mergers in virtually any market.

While I had held out hope that the FCC would delay this vote given the outpouring of public commentary opposing the rule changes, it is clear that the Chairman of the FCC is not listening. I see no other choice than to push for congressional action, and to that end, yesterday I introduced H.R. 4835, the Media Ownership Act of 2007, in the House to stop these new cross-ownership rules from going forward.

I am pleased to have been joined by my Washington State colleague Representative DAVE REICHERT in this bipartisan effort, and it is my hope that we can move swiftly to prevent these new rules from going into effect. This effort is the companion to work being done in the Senate Commerce Committee where a bipartisan group of Senators have led the effort against these changes.

When Chairman Martin was before the Energy and Commerce Committee earlier this month, I asked him how he could ignore the public outcry he heard when he visited Seattle, Washington, where—despite less than 5 days notice—thousands turned out and stayed until 1 a.m. on a Friday night to voice their concerns. I asked him how we could believe that he had thoughtfully considered the public's concerns, when less than 3 days later, the Chairman published an op-ed in the New York Times outlining his plan for media consolidation.

Clearly, Chairman Martin is not listening to the American people, and now we need to step up and ensure that their voices are heard. I hope my colleagues here in Congress will join me in this eftort, and I hope this legislation moves swiftly.

MOURNING THE DEATH OF FORMER CONGRESSMAN AUGUSTUS FREEMAN ''GUS'' HAWKINS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to mourn the passing of former Congressman Augustus Freeman ''Gus'' Hawkins, a committed public servant and civil rights leader, who died on November 10, 2007. Congressman Hawkins was born on August 31, 1907, in Shreveport, LA. He later moved to California where he would eventually serve 14 terms in the U.S. House of Representatives, advocating for his constituents in South Los Angeles. Prior to his passing, he was the oldest living former member of the House of Representatives at the age of 100.

In his youth, Mr. Hawkins was a scholar and civil rights activist. In 1931, he received his undergraduate degree in Economics from the University of California, Los Angeles. One year later, he continued his academic pursuits and studied political science at the University of Southern California. In addition to his intellectual skills and political savvy, Mr. Hawkins was a primary leader in progressive and civil rights campaigns in the urban areas of Los Angeles. His desire to eliminate injustice in his community propelled him to challenge a Republican incumbent in the California State Assembly. He defeated his opponent and quickly became the 62nd district's voice for civil rights and equality regardless of race, creed, or color. He remained in the California State Assembly from 1935 to 1963.

In 1963, Mr. Hawkins was elected to serve California's 21st Congressional District in the U.S. House of Representatives, making him the first African American elected from the State of California. He firmly demonstrated his commitment to public service by supporting legislation that would improve housing standards, labor, education, and conditions for the working poor. He made history by sponsoring the equal employment section of the Civil Rights Act of 1964 that created the Equal Employment Opportunity Commission. In addition, he fought consistently to raise the minimum wage and he and Senator Hubert Humphrey (D–Minnesota) crafted the Humphrey-Hawkins Act of 1978, which was designed to combat unemployment and inflation. During his 28 years in the House, he served as the chairman of the Committee on Education and Labor, and the chairman of the Committee on Administration. He was also one of the founding members of the Congressional Black Caucus, which was founded in 1971. When he retired in 1991, he had created over half a century's worth of landmark legislation on both the State and Federal level.

Madam Speaker, I urge my colleagues to remember the legacy and mourn the passing of former Congressman Augustus Freeman Hawkins.

ARTHUR I. JACKNOWITZ, PROFESSOR AND DISTINGUISHED CHAIR, DEPARTMENT OF CLINICAL PHARMACY CONCERNED ABOUT CMS COMPOUNDING POLICY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I would like to call my colleagues' attention to a compelling letter written by Arthur I. Jacknowitz, Pharm. D, Professor and Distinguished Chair in the Department of Clinical Pharmacy at West Virginia University's School of Pharmacy at the Robert C. Byrd Health Sciences Center in Morgantown, WV. Writing on behalf of more than 650 pharmacies and 359,000 Medicare beneficiaries in West Virginia, Professor Jacknowitz expressed his deep concern over the adverse impact that CMS's new policy excluding compounded inhalation medications from Medicare beneficiaries would have in West Virginia and across the Nation.

Madam Speaker, I ask unanimous consent to enter Professor Jacknowitz's letter into the RECORD.

WEST VIRGINIA UNIVERSITY,
SCHOOL OF PHARMACY,
Morgantown, WV, October 30, 2007.

KERRY WEEMS, ADMINISTRATOR,
Centers for Medicare and Medicaid Services, 200 Independence Avenue, SW, Room 314 G, Washington, DC.

DEAR ADMINISTRATOR WEEMS: Compounding pharmacists play an essential role in many patients' lives by enabling physicians to prescribe customized medication therapy to best meet their needs. Indeed, for the growing number of people with unique therapeutic requirements that cannot be addressed with commercially available products, a compounded product may be the only viable treatment option.

Compounding of medications for patient use has been a significant component of the practice of pharmacy and medicine since the beginnings of our profession. Virtually all practicing pharmacists will be involved with compounding activities at some point during their career. In fact, it is estimated that the 30 to 40 million prescriptions are compounded each year. Pharmacists are the only health care professionals that have studied chemical compatibilities and can prepare alternate dosage forms. In fact, each state requires that pharmacy schools must, as part of their core curriculum, instruct students on the compounding of pharmaceutical ingredients. Compounding pharmacies are licensed and regulated by their respective state boards of pharmacy, rather than the FDA.

With this mind, I am writing to you as a Professor of Pharmacy and on behalf of more than 650 pharmacies and 359,000 Medicare beneficiaries they serve in our state of West Virginia to express my concern about the Center for Medicare and Medicaid Services (CMS) new policy excluding compounded inhalation medications from Medicare beneficiaries. CMS issued this new policy without explanation or medical rationale driven by the Food and Drug Administration's (FDA) posture and legal position regarding compounding. It is a reversal of your agency's long-standing policy on inhalation medications. By excluding compounded inhalation medications for Medicare beneficiaries stating that they are no longer medically necessary you are discriminating

against compounded medications in general. I believe that this new policy may have far-reaching and serious consequences for Medicare beneficiaries who rely on nebulizer medications. Eliminating compounding will severely restrict access to these critical medications for Medicare beneficiaries and their prescribing physicians.

The FDA's legal position on compounding medications, its aggressive enforcement policies against several compounding pharmacies and the agency's intervention and influence on CMS's recent policies on compounded medications establishes a dangerous precedent for all pharmacy compounding throughout the United States. Ignoring the recent Federal court decision Medical Center Pharmacy v Gonzales. 451 F. Supp.2d 854, 865 (W.D. Tex. 2006), the FDA reasserted its legal position ''that all compounded drugs are unapproved new, and therefore illegal, drugs under the Federal Food, Drug and Cosmetic Act (FDCA)''. Contrary to the FDA's position, the Federal Court held that ''compounded drugs, when created for an individual patient pursuant to a prescription from a licensed practitioner, were implicitly exempt from the new drug definitions contained in the Act''.

As a result of the FDA's position and CMS's new policy on compounding, more than 29,000 citizens of West Virginia suffering from Chronic Obstructive Pulmonary Disease (COPD) that depend on these medications as well as the hundreds of compounding pharmacies and their employees, will be adversely affected. For this reason, I am asking that CMS rescind the recent policy excluding compounding medications.

Thank you, for you consideration.

Sincerely,

ARTHUR I. JACKNOWITZ,
Professor and Distinguished Chair,
Department of Clinical Pharmacy.

CONGRATULATIONS TO ST. FRANCIS HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP. Madam Speaker, today I rise to congratulate and pay tribute to the St. Francis High School football team for reaching the Michigan High School Athletic Association 2007 Division Seven State Championship game. It was their fifth State finals appearance in 10 years.

The St. Francis Gladiators lost a hard-fought state championship game to Mendon High School. It was the end to an impressive playoff run in which they outscored their opponents 188–8 in the four games leading up to the finals. They finished their season with a 12–2 record.

The Gladiators accomplishments are a testament to the years of hard work and dedication of these student athletes. They have proudly carried on their school's tradition of excellence. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the St. Francis High School football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING ROBERT NEWELL WISNER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker. I rise today to recognize the retirement of Robert Newell Wisner, after 41 years as an Iowa State University Extension economist.

Since February of 1967, Robert Wisner has provided a remarkable service to the agricultural community in Iowa and across the globe. He is extremely innovative in his methods of presenting market outlooks and analyzing marketing and risk-management strategies. Robert's publications on risk management and genetically-modified crop marketing have been widely used in Japan and China and have benefited countries in Europe as well. He pioneered work on revenue assurance contracts and regularly educated crop insurance agents about different risk management tools.

Robert also has a gift in relating his work to the common farmer. He has converted his highly complicated market research and analysis into an easily understandable format. Robert is known for checking up-to-the-minute information, seconds before presentations, to give his audience the most accurate statistics. He has worked hard to gain the confidence of farmers by conducting over 2,200 extension meetings and authoring more than 1,500 publications. Robert is a trusted source of expert agricultural economic information and for this I offer him my utmost congratulations and thanks.

I know that my colleagues in the United States Congress join me in commending Robert Wisner for his leadership and service to the farmers of America. I consider it an honor to represent Robert in Congress and I wish him a long, happy and healthy retirement.

HONORING OFFICER ARMANDO ALEXANDER OF THE WAUKEGAN POLICE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor Officer Armando Alexander of the Waukegan Police Department for his selfless act of heroism.

On February 3. 2007. Officer Alexander was assisting with closing a local bar. At 2:49 a.m., Officer Alexander heard gunfire erupt in the parking lot next to the establishment. Without regard for his own personal safety, he ran toward the gunfire where he witnessed two subjects firing shots at a victim in a parked car. The victim was shot three times before the suspects fled. Officer Alexander then chased the suspects on foot through a residential development and construction site. He apprehended one of the suspects and recovered the firearm used in the crime. The second suspect was later arrested.

Officer Alexander's outstanding efforts took two dangerous gang members off the streets of my district and made Waukegan, Illinois, a safer place.

As a member of the Significant Incident Group on the Waukegan Police force, Officer Alexander is a leader and a role model for local law enforcement in the 10th Congressional District of Illinois.

I am proud to count this heroic American as a constituent and a friend.

TRIBUTE TO ROBERT AND ROSALEE WELLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the exemplary and extended service of Bob and Rosalee Welling, who will receive the Distinguished Service Award from the University of Central Missouri.

Bob received his juris doctorate from St. Louis University School of Law. Following law school he spent 2 years in the United States Army and then moved to Warrensburg, MO, to begin a 50-year career in law. In 1985, Bob received the Missouri Bar President's Award.

Bob served as president of the Missouri State Board of Education and as a member of the Board of Directors of the National Association of State Boards of Education. He was a former chair on the board's Governmental Affairs Committee and was a mentor in the association. Bob has also presided as chair of the Regional Council for Children's Mercy Hospital in Kansas City, MO.

Currently, Bob is a member of Children's Mercy Hospital Planned Gift Council and board member of its nonprofit subsidiary, Family Health Partners. He is also serving as a gubernatorial appointee to the Missouri Military Preparedness and Enhancement Commission.

Rosalee graduated from the University of Central Missouri with a bachelor's degree in education and a master's degree in speech pathology and audiology. Following graduate school, she served as a physical education and health teacher in the Raytown School District and then as a speech pathologist at the Children's Therapy Center. She then joined the University of Central Missouri and taught until her retirement in 2002.

While at the university, she served for 13 years as director of the Early Childhood Communication Special Education Preschool, spent 6 years as the coordinator of Clinical Services in the Welch-Schmidt Center for Communication Disorders, and was guest lecturer in the Department of Phonetics at the University of Helsinki, Finland.

Today, Rosalee is director emeriti of the University of Central Missouri Alumni Association Board and the Foundation Board. She also serves as a tutor in the Johnson County Adult Literacy Program.

The Wellings are known in the State of Missouri for their outstanding civic involvement and volunteer service. I trust that Members of the House will join me in wishing Bob and Rosalee Welling and their family the best in their future endeavors.

IN TRIBUTE TO NICK TENAGLIA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Nick Tenaglia, a native son of Astoria in Queens who has dedicated his energies throughout his life to serving others. In recognition of his selfless dedication to his community, Nick Tenaglia was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

A lifelong Astoria resident, Nick Tenaglia has distinguished himself both for his service to the community and for his proficiency as an outdoorsman and nature lover. After graduating from Our Lady of Mt. Carmel Elementary School and LaSalle Academy, he chose a career in the building trades. Nick Tenaglia joined the Carpenters Union, where he served an apprenticeship for four years. In 1985, he joined the staff of the New York City Department of Environmental Protection, and eight years later was promoted to Supervisor.

It was fitting that Mr. Tenaglia made his professional home at the municipal agency charged with protecting the beautiful and diverse natural environment of the New York City metropolitan area, because he is an avid and skilled angler and marksman. In 1997 and 1998, Nick Tenaglia was named the New York City Fresh Water Fishing Champion, and he has also earned awards from the Commissioner of the New York City Department of Parks and Recreation. He regularly participates in New York State Rifle and Pistol Club competitions. In his spare time, he can frequently be found at his property in the Pocono Mountains.

In being honored by the Taminent Regular Democratic Club, Nick Tenaglia's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato, a distinguished New York State Senator. The Taminent Club, which Mr. Tenaglia serves as a Member of the Board of Directors and as Sergeant-at-Arms, proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to the community made by Nick Tenaglia.

HONORING THE FAYETTEVILLE MANLIUS HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Fayetteville Manlius, F–M, High School Girl's Cross Country Team, 2007 Nike Team National Champions. The F–M Girl's Cross Country Team won at the State, regional, and national levels to earn their second consecutive national championship title, and become the first team ever to win back to back Nike National Championships.

On behalf of the people of New York's 25th Congressional District, I congratulate these young women on their outstanding athletic achievement and praise head coach William Aris, and assistant coaches John Aris and David Davis on their team's success. I look forward to another exciting year when the Hornets defend their title in 2008.

The team members are Kathryn Buchan, Katie Buchan, Mackenzie Carter, Courtney Chapman, Hannah Luber, Molly Malone, and Jocelyn Richards.

SUPPORTING THE FEDERAL FOOD DONATION ACT

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud to support the Federal Food Donation Act, an important piece of legislation that will help address the scourge of hunger in America.

Each year, 35 million Americans, including 12 million children, go hungry, even though we live in the richest nation in the world. In many ways, the situation is getting worse, as increasing costs for food, energy and housing mean that increasing numbers of working families have difficulty affording sufficient food. According to a report by the U.S. Conference of Mayors, 80 percent of cities studied reported increases in requests for emergency food assistance during the last year. Despite this increase in need for food assistance, too little has been done to ensure that food banks, pantries and other charitable organizations have sufficient resources to address the needs of their hungry clients.

The Federal Food Donation Act will help alleviate the shortage of food among organizations that work to serve the hungry. This important bill will amend the Federal Acquisition Regulation to provide that contracts will contain provisions encouraging the donation of excess, apparently wholesome food to nonprofit organizations working to combat hunger. The bill will ensure that excess food acquired for the use of the federal government does not go to waste and instead goes to help feed the hungry.

The Federal Food Donation Act represents an important step forward in the effort to combat poverty. I am hopeful that the bill will also spur more organizations in the private sector to follow suit and to ensure that they make good use of excess food. Additionally, I am hopeful that Congress will soon pass legislation strengthening the Food Stamp program by substantially increasing benefits and easing access to the program for eligible beneficiaries, to help ensure that the 25 million Americans who receive Food Stamp benefits each year receive sufficient assistance to prevent them from becoming hungry.

Madam Speaker, I am proud to express my support for the Federal Food Donation Act. Our country must no longer tolerate the presence of widespread hunger and I believe that this legislation will play a critical role in combating hunger. I am proud to express my full support for this legislation and I thank my friend and colleague, Mrs. EMERSON, for her sponsorship of the bill and for her leadership in fighting hunger.

A TRIBUTE TO DADY BELFORT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Dady Belfort. Dady, one of four children, was born in Les Cayes on the Island of Haiti to Rose Nostalie and Joseph Santiford Belfort. In 1977, she migrated to the United States enrolling in Erasmus Hall High School. After her high school graduation in 1980, she attended Kings Borough Community College and is currently enrolled at John Jay College, pursuing a Master's Degree in Criminal Justice.

Dady became a police officer for the City of New York in 1989. Since joining the force, she has received numerous citations during her 18 years of service. In 2002, she became the force's Community Affairs Officer and in 2005 she was promoted to Detective.

Dady is very active in her community. She is a regular participant in the New York Cares coat drive as well as numerous toy drives. Dady walks each year in the Our Lady of Miraculous Medal Parish's walk-a-thon for the Knights of Columbus, and the walk for breast cancer at Jones Beach. She is a member of the Canarsie Lions Club, and the Haitian American Law Enforcement Fraternal Organization. Dady coordinates with various organizations' outreach programs to help the less fortunate by collecting food for the homeless, adopting a family for the holidays, and frequently assisting at the Gerald R. Ryan Outreach Center Soup Kitchen.

As a young girl, Dady has always wanted to make a difference in her community. She lives her life by one simple saying, ''Happiness is not an individual matter. When you are able to bring relief or bring back the smile to one person, not only that person profits but you also profit. The deepest happiness you can have comes from the capacity to help relieve the suffering of others. So if we have the habit of being peaceful, there is a natural tendency for us to go into the direction of service.''

Dady is married to Cecil Ramsay and they have three children; Rodnny, Samantha and Christopher.

Madam Speaker, I would like to recognize this pillar of New York who has set the bar extremely high for individual service to her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this Dady Belfort.

TRIBUTE TO MAJOR GENERAL DAVID H. HUNTOON, JR.

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PLATTS. Madam Speaker, today I rise to recognize the achievements of Major General David H. Huntoon, Jr., currently serving as the 46th Commandant of the United States Army War College, located in my Congressional District at Carlisle Barracks, Pennsylvania. Gen. Huntoon became the 46th Commandant of the Army War College in August 2003. His service in this post will come to a close in January, when he will be reassigned to Fort Myers.

The resume of Gen. Huntoon is long and distinguished, fitting for the Commandant of an institution with a long and distinguished history. Gen. Huntoon was commissioned in 1973 from the Military Academy at West Point. He served thirteen years as an infantry officer; he served in the Directorate of Plans at Fort Bragg during Operation Desert Shield and Desert Storm and Operation Just Cause; and he has served as a National Security Fellow at the Hoover Institute, as an Executive Officer to the Chief of Staff of the Army, and as the Director of Strategy at the Pentagon.

As the Commandant of the Army War College, Gen. Huntoon has been dedicated to training strategic leaders in the war against terrorism. He speaks of the need to restore the peace shattered on 9/11. He speaks with reverence of both family and the military family. and he has worked to bring the community of Carlisle into the folds of his daily command.

It has been a privilege and an honor to get to know Gen. Huntoon and his family over the past few years. I want to thank him for his dedicated service to the mission of the United States Army War College and to the defense of our great Nation. I wish him and his family the best in their future endeavors.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GEORGE PARASKEVAIDES

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to the honor the life and accomplishments of George Paraskevaides, a humanitarian of unmatched proportions. Mr. Paraskevaides was one of the most renowned Cypriot philanthropists of his day. His life story reads like a classic tale of rags to riches. Born in Athens, Greece in 1916, George Paraskevaides moved with his family back to Cyprus where he excelled in school and ultimately graduated from the Polytechnic Institute in Milan, Italy. After World War II, Mr. Paraskevaides, together with Stelios Ioannou, formed the most preeminent architectural engineering firm in Cyprus, Joannou & Paraskevaides.

George Paraskevaides' keen intellect and unmatched work ethic, allowed Joannou & Paraskevaides to become one of the most prolific firms in the Middle East, Africa, and Asia. This lucrative company allowed Mr. Paraskevaides to engage in the work he enjoyed most: helping others. George quickly became recognized in Cyprus as a champion of Cypriot issues and sick children.

His death on December 5, 2007 at the age of 91 has left a gaping hole in the hearts of Cypriots the world over. He was the voice of all that is true and good about the island nation. President of the Republic of Cyprus, Tassos Papadopoulos, said of the passing of George Paraskevaides. ''He was a model of humanity, dignity and kindness. He offered a lot in a selfless way to those who needed help and was a benefactor for Cyprus, serving his country with patriotism. He leaves behind him charity work for which he will be dearly remembered as a man of high moral standards.'' I could not concur more with this sentiment.

George Paraskevaides is recognized the world over for his good works and philanthropy. He has received innumerable awards including the Medal of Exceptional Contribution, the highest honor of the Republic of Cyprus, Order of the British Empire (O.B.E.) by Queen Elizabeth II, the Order of Oman III, Class Civil by Sultan Qaboos of Oman, the Rotary Foundation Medal. and the Medal of Merit of the Lions International Club of Nicosia, the St. Paul's Medal by the Greek Orthodox Archbishop of North and South America, and the St. Marcus Medal by the Pontifice. He is an Archon of the Ecumenical Patriarchate of Constantinople and was also honored with the Holy Cross of the Ecumenical Patriarchate. In addition, the works of the George and Thelma Paraskevaides Foundation has been recognized for having formed links with Shriner's Hospital in Springfield. MA, and Children's Heart Fund Hospital in Minneapolis and has provided numerous scholarships for less fortunate Cypriots. Paraskevaides founded the Cyprus Kidney Association, the Surgical and Transplant Foundation and the Cyprus Heart Association.

Madam Speaker, while the list of awards is impressive. I am sure the biggest award that George Paraskevaides won in his life was the love and affection of his wife, Thelma, and his family. He will be missed but never forgotten. May his memory be eternal!.

HONORING NGHIA VAN DONG

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Nghia Van Dong for his service during the Vietnam War.

Nghia Van Dong was born in Hai Phong, Viet Nam, during the end of the Indochina War. Following the Geneva Conventions which brought the conflict to a resolution, Mr. Dong joined fellow refugees in repatriating to the Republic of South Viet Nam. This trip would prove fruitful, as Mr. Dong met his future wife Hanh on the ship which carried him to Saigon.

At the start of the Viet Nam War, Nghia Van Dong knew that his country needed him. He quickly signed up to help with the war effort, and was assigned to the U.S. Army Special forces for a period of ten years. When Consul General McNamara asked the Commander of the Special Forces to recommend one of his best senior Vietnamese employees for the important post of chauffer and body guard, Mr. Dong was his immediate recommendation.

Mr. Dong served as person chauffer and body guard to the principal officer of American Consulate, while at the same time supervising all the guard personnel. He filled these roles from October 2, 1970, until the final evacuation on April 29, 1975. He was cited for gallantry on a number of occasions, and also for safe-guarding the life of Consul General Francis T. McNamara.

He has a citation for personally attacking three Viet Cong machine gun positions and destroying each of them with small arms and hand grenades. In a moment of sheer bravery, Nghia Van Dong placed himself between Consul General McNamara and a group of Vietnamese Marines, taking several bullets and saving the life of the Consul General. In total. Mr. Dong was wounded ten times over the course of the war.

At the close of the Viet Nam War, Nghia Van Dong came to the United States. Settling in Fairfax, Virginia, Mr. Dong found employment in Hospital Services, working at both Dewitt and Mount Vernon Hospitals. In 2005, Mr. Dong retired from Mount Vernon Hospital Food Service after 26 years of employment.

Mr. Dong and his spouse Hanh are active in the local Vietnamese Church and have been active for years as they enjoy the fruits of their long marriage—their 15 grandchildren. Although recent illness has kept him from many activities, Mr. Dong has always enjoyed fishing, drinking coffee, and playing the lottery. He has also been active in local veterans' groups.

Madam Speaker, in closing, I would like to thank Nghia Van Dong for his service during the Viet Nam War, and his outstanding legacy of public service here in Northern Virginia. I ask my colleagues to join me in celebrating the life of Mr. Dong.

HONORING BONNIE PALECEK

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. POMEROY. Madam Speaker, I rise today to honor a colleague and dear friend of mine as she retires as Executive Director of the Council on Abused Women's Services/Coalition Against Sexual Assault in my State of North Dakota. I have had the privilege of knowing Bonnie Palecek for over 25 years and have seen firsthand the leadership and devoted service she has provided in protecting victims of violence.

Bonnie Palecek has been with the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault for nearly 30 years. Bonnie established the Council on Abused Women's Services in 1980, and has led this network to now connect over 20 domestic violence prevention and intervention programs across the State. Under her leadership, this coalition is the voice for thousands of women and children affected by violence. Bonnie has tirelessly advocated for domestic violence victims and their families and has been the driving force behind passing countless pieces of legislation in North Dakota to protect victims of domestic abuse. After 30 great years, she will be difficult to replace.

I know that Bonnie Palecek will be sorely missed by all who have known her dedication to serving victims of sexual and domestic violence. I offer her my congratulations and best wishes for her continued success and happiness in the coming years.

LETTER FROM THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG) OPPOSING H.R. 2046, THE ''INTERNET GAMBLING REGULATION AND ENFORCEMENT ACT OF 2007''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GOODLATTE. Madam Speaker, I am submitting for the CONGRESSIONAL RECORD a letter from the National Association of Attorneys General (NAAG) signed by 45 Attorneys General opposing Representative BARNEY FRANK's legislation, H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." In this letter, these Attorneys General declare that the Unlawful Internet Gambling Enforcement Act of 2006, which provided an additional Federal enforcement tool against Internet gambling and which was signed into law last year, has "effectively driven many illicit gambling operators from the American marketplace." The NAAG letter then goes on to detail the opposition of 45 top law enforcement officials to H.R. 2046. I request that the entirety of this letter be included in the RECORD immediately following my remarks, including the list of all the signers of this letter.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate
Washington, DC.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE: We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the ''Internet Gambling Regulation and Enforcement Act of 2007.'' We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress: ''We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level.'' Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA, which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later. H.R. 2046 proposes to do the opposite, by replacing state regulations with a Federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive Federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the Federal government would be responsible for issuing gambling licenses.

A Federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State. unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may ''opt out'' of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the Federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down State opt-outs as unduly restrictive of trade. the way will be omen to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, ''harmonizing'' the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John S. Juthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown. Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware.

Linda Singer, Attorney General of the District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine.

Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio.

W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont.

Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise to support the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007. It is an initial step towards a new energy policy. Some will say this bill goes too far, others will claim it does not go far enough. While opportunities to overhaul our energy policy were missed, this bill does include a starting point for true reform.

Any attempt to transform the direction of our energy policy must include an increase in CAFE standards. Increasing fuel efficiency is something I have fought many years for. We have the technology to do it, we have the will to do it and now, with this bill, we have made the commitment to do it. This provision is the cornerstone for revamping our energy policy. It not only addresses our reliance on imported oil, but will also help stem the creation of green house gasses.

I agree with the inclusion of a Renewable Fuels Standard; however, as we have learned over the past few years, the manner in which it is executed raises its own set of questions. Our current thirst is for corn based ethanol. Of 5 billion gallons of biofuels produced domestically last year, 4.9 billion were derived from corn. Placing a limit on the amount of com ethanol eligible to be applied in meeting the RFS is a necessary step. Yet, I have doubts as to whether that limit is too high and whether more should be done to ensure the development of other biofuels. Also, most studies give corn based ethanol an energy balance of 1.2. Would it not be a better long term policy to shift our focus towards a more efficient source of biofuel?

Finally. I am concerned about the effects this mandate could have on the Chesapeake Bay. The Chesapeake Bay Task Force and I have worked tirelessly to clean up this troubled waterway. Spurred on by government subsidies, farmers in the watershed have been drastically increasing their corn acreage. Due

to the intrinsic nature of corn farming, any increase will heavily impact the health of the watershed and could undo many of the great achievements we have made in the past few years.

Fifty years from now our energy makeup should be fundamentally different. At that point we should no longer be relying on fossil fuels to drive our economy. Yet, the fact remains we must rely on them today. Neither the technology nor the infrastructure exists to do otherwise. In the intervening years we must not only develop a green energy sector, but we must also shift from foreign sources of energy to domestic ones. Therefore, we must not hinder the development of our oil and natural gas fields. I am pleased this bill discarded the troublesome tax package that would have been a disincentive on domestic production.

Madam Speaker, contrary to what its champions claim, this bill does not fundamentally change our Nation's energy policy. While I will vote for this bill, I look forward to working with my colleagues to finish the job that has been left undone.

RECOGNIZING OHIO'S 2008 TEACHER OF THE YEAR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor a remarkable teacher from Ohio's Fourth Congressional District.

Her name is Deborah Wickerham. A teacher for 32 years, Ms. Wickerham has taught at Chamberlin Hill Intermediate School in the Findlay City School system since 1992, currently teaching both deaf and hearing fifth graders in her inclusion classroom.

In 2001, Ms. Wickerham achieved National Board Certification, and currently works as a facilitator and mentor to help other teachers achieve certification. In addition to this and to her regular duties at Chamberlin Hill, she spends many after-school hours tutoring students who struggle with homework, organizational skills, and test preparation.

She has received numerous awards and recognition throughout her teaching career, including the Presidential Award for Elementary Science Excellence, the Vernier National Science Teacher of the Year Award, the Rotary Golden Apple Award, Jaycees Teacher of the Year honors, and the 2007 VFW Regional Teacher of the Year title.

Today, I am proud to announce to the House that Deborah Wickerham has been named the 2008 Ohio Teacher of the Year by the Ohio Department of Education.

According to her colleagues, Ms. Wickerham's secret to success is her ability to demonstrate, through her dedicated work in the classroom, the most important mission of teachers: to help even child succeed.

We all recognize the increasing challenges facing today's students. Now more than ever, they need the benefit of dedicated teachers like Ms. Wickerham.

Madam Speaker, I ask my colleagues to join me in congratulating Deborah Wickerham in earning this distinction, through which she will serve as a spokesperson for Ohio teachers, make public appearances and speeches across the state, and continue her outstanding work in the classroom.

FEDERAL FOOD DONATION ACT OF 2007

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. MORAN of Kansas. Mr. Speaker, today the House of Representatives is considering an important piece of legislation. H.R. 4220, the Federal Food Donation Act of 2007 is a step in the right direction towards feeding the hungry in our nation. It is unacceptable that here in the richest nation in the world American children go to bed hungry while perfectly good food goes to waste. I am proud to be a sponsor of this bill—a bill that will not solve all hunger, but will solve some people's hunger.

I want to thank Mrs. EMERSON for introducing the Federal Food Donation Act. The bill will help the efforts of nonprofit organizations serving the hungry. Agencies and contractors are encouraged to donate safe and wholesome food to nonprofit organizations that provide assistance to food-insecure people, while avoiding another mandate or further layer of bureaucracy. In order to help protect donors, the bill provides that executive agencies and contractors making donations are protected from civil or criminal liability

While donating unused food is a good step in combating hunger in America, the fight is not over.

TRIBUTE TO NOUVEL CATHOLIC CENTRAL HIGH SCHOOL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I would like to congratulate and pay tribute to Nouvel Catholic Central High School for winning the Michigan High School Athletic Association 2007 Division Six Football State Championship. It is the team's second consecutive state title.

The Nouvel Panthers Defeated Blissfield 12–7 in the state final game on November 23. The win was a fitting cap to a successful season. The Panthers finished with an impressive 10–3 record. The ability of the Panther players to regroup after these losses and ability to win the close games down the stretch is a clear indication of the dedication these young men have for their sport.

This tremendous group of student athletes has proudly carried on their school's tradition of excellence.

On behalf of the 4th Congressional District of Michigan, I congratulate the Nouvel Catholic Central football team on this milestone achievement and wish them the best of luck in their future endeavors.

RECOGNIZING KINGLAND-HANSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Carolyn Kingland-Hanson as the recipient of the Golden Apple Award for her commitment and enthusiasm as a teacher in the Hampton-Dumont School District in Iowa.

Carolyn says she is humbled by the honor and believes all her fellow teachers at Hampton-Dumont are equally deserving of the award.

Carolyn has taught high school English and literature for 22 years and has a gift in working with teens. She is able to transform difficult literature into exciting and easy to learn lessons. Carolyn turns her classroom into a stage as students have the opportunity to act out scenes and dances that are in the books they are studying. Her recipe for success is her love of, and commitment to, her students. Her passion for literature and the teaching profession will continue to have a significant impact on her students for years to come.

I congratulate Carolyn Kingland-Hanson on her well-deserved award, and I'm certain that she will continue to touch the lives of many students in her community. It is a great honor to represent Carolyn in Congress, and I wish her continued success.

HONORING A NORTH CHICAGO POLICE OFFICER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Mr. Speaker, I rise today to honor Detective Luis Rivera of the North Chicago Police Department Tactical Narcotics Team. Besides fulfilling his duties as a narcotics and gang investigator since May 2005, Detective Rivera also serves on the North Chicago Police Department Major Crime Evidence Team, as a firearms instructor, tech officer, bike patrolman and former SWAT officer. Beyond his tireless dedication to the department, Detective Rivera has consistently displayed an extraordinary commitment to his community.

In January of this year while working undercover, Detective Rivera purchased 4 ounces of cocaine from a criminal resulting in four arrests and the seizure of 116.6 grams cocaine, one Chevy Blazer and $4,977. Detective Rivera also developed a narcotics gang conspiracy case on members of the Four Corner Hustler street gang operating in North Chicago that came to a conclusion on February 28, 2007. Through the use of confidential informants and undercover officers, 39 indictments were issued on 12 of the Four Corner Hustler street gang members by the Lake County States Attorney office. This investigation halted violence in the area.

In June he developed an informant that infiltrated a crew that was robbing local drug dealers. While gathering information to make a case, the leader of the group and member of the Gangster Disciples street gang committed a home invasion, resulting in the violent death of a young female along with 2 males who

were seriously wounded. Lake County Major Crimes Taskforce investigated the crime and had murder warrants. Detective Rivera then developed an operational plan to take the suspect into custody. The detective used his informant to lure the suspect to a location on July 3, 2007, to discuss doing another robbery. Members of the North Chicago SWAT team arrested the suspect upon his arrival.

Last August Detective Rivera used an informant to infiltrate another armed robbery crew along with an undercover ATF agent. On October 25, 2007, the North Chicago Tactical Narcotics Team. agents from ATF and their SWAT officers as well as Waukegan Net Agents conducted a sting on this crew, arresting four Gangster Disciples and the recovery of a hand gun. All 4 subjects were charged through the United States Attorneys office.

Detective Rivera is truly taking criminals off the streets, making our community safer. Our district is fortunate to have police officers, like the detective, who risk their lives every day. I ask that my colleagues join me in honoring him today.

IN TRIBUTE TO ANTONIO MELONI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Antonio Meloni, a tireless, energetic and effective civic activist. Antonio Meloni is devoted to his community and his family, and in recognition of his selfless dedication to the well-being of others, he was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

A resident of Astoria for forty-two years, Antonio Meloni has distinguished himself for his outstanding service to the community. He has been a leader in local crime-fighting and neighborhood beautification efforts, working with at-risk youth in the Second Chance Task Force, serving as an instructor in women's self-defense courses, and working to prevent and clean up the urban blight of graffiti. Mr. Meloni has been extraordinarily active in numerous civic organizations, ranging from the Astoria-Long Island City Kiwanis Club; the 114th Precinct Community Council; the local New York City Community Emergency Response Team; the Variety Boys and Girls Club; the Knights of Columbus; the Church of the Immaculate Conception, where he serves as a Minister of Welcome; the Astoria Civic Association, which he currently serves as Vice President; and Queens Community Board 1, on which he has chaired the Public Safety Committee for many years, among many other organizations. Of Antonio Meloni's many accomplishments in service to the community, one of which he is particularly proud is the design and completion of the ''Greater Love Than This'' memorial to veterans of our nation's armed forces, a monument that is located next to the existing World War I Memorial in Astoria Park. In recognition of his many civic contributions, Mr. Meloni has been honored over the years by former New York City Mayor Rudolph Giuliani, the New York State Crime Prevention Coalition, the New York City Council, and numerous community organizations.

Next year will mark two full decades of distinguished service by Antonio Meloni as Executive Director of Immigration Advocacy Services. In this capacity, he has developed and managed countless worthwhile initiatives that have provided essential services to new arrivals to our nation's greatest city. While devoting his time and attention to this incredible range of activities, Antonio Meloni has also remained devoted to his beloved family, including his wife Denise and his two children Michael and Angela.

In being honored by the Taminent Regular Democratic Club, Antonio Meloni's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato, a distinguished New York State Senator. The Taminent Club proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to our cultural and civic life made by Antonio Meloni.

A TRIBUTE TO THE MODELL FAMILY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor the work and accomplishments of the Modell family. The Modell family migrated from Russia in the 1870s settling on the Lower East Side of New York City. They soon began peddling clothing, jewelry, and other odds and ends from a pushcart.

George Modell opened a store at 79 Cortland Street in 1893. The business moved to Nassau Street during the 1930s when George's son Louis joined and established their pawnbroking business. Louis successfully expanded and assumed leadership of the company during World War II. In 1956, Gerald, Louis' eldest son had completed his studies at Columbia University and was commissioned into the army as an officer. In 1959, he joined the Modell Jewelry & Pawnbroker business.

Gerald Modell opened a second location in 1960 on West 47th Street, in the heart of the ''Diamond District,'' where Modell began to extend financing to the diamond and jewelry industry. In 1965, Gerald expanded by starting a diamond importing company operating in Antwerp, Tel Aviv, and Bombay.

Gerald Modell's son Eric graduated from the University of Virginia's McIntire School of Commerce in 1997. After a 3-year career as a management consultant at PricewaterhouseCoopers, Eric joined the family business in 2000. Today Eric is the executive vice president and is committed to expanding the business even further.

Gerald Modell has been associated with the creation and operation of many charitable and philanthropic causes, mostly in the medical field. He currently serves on an Advisory Board at Columbia Presbyterian Hospital in New York City and is the founder and former vice president of the Mental Illness Foundation.

Today the Modells have six pawnshop locations in operation throughout New York City: the Diamond District; Gramercy Park; Spanish Harlem; Brooklyn Heights; Brownsville; and Bay Ridge. Annually, Modell makes tens of thousands of loans to the public for their short-term financing needs.

Madam Speaker, I would like to recognize and thank the Modell family for their nearly 115 years of service to the residents of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to the Modell family.

A LETTER FROM GOVERNOR MITCH DANIELS OF INDIANA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SOUDER. Madam Speaker, I wish to submit into the RECORD a letter from Indiana Governor Mitch Daniels expressing his concerns regarding H.R. 2046, the Internet Gambling Regulation and Enforcement Act, which would legalize Internet gambling and undermine the ability of states to make and enforce their own gambling laws. I share Governor Daniel's opposition to this bill, and will fight to make sure H.R. 2046 does not pass the House.

STATE OF INDIANA,
OFFICE OF THE GOVERNOR,
Indianapolis, Indiana, November 9, 2007.

Re Internet Gambling Regulation and Enforcement Act of 2007 (H.R. 2046)

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: As Governor of the State of Indiana, I wish to express my concerns about a bill currently in the U.S. Congress known as the Internet Gambling Regulation and Enforcement Act of 2007 (''H.R. 2046''), which would legalize Internet gambling and undermine the ability of states to make and enforce their own gambling laws.

In contrast with limited, state-regulated forms of gambling such as horse tracks and riverboat casinos, gambling via the Internet is available from virtually any location (e.g., homes, offices, schools) twenty-four hours per day in an anonymous environment. Research and studies have indicated that Internet gambling is more accessible to minors, more attractive to college-age individuals, more susceptible to fraud and other criminal activity, and harder to regulate. These are some of the reasons why Indiana recently updated its gambling laws to specifically prohibit Internet gambling. Using the Internet

to engage in gambling in Indiana, or with a person located in Indiana, is a felony under Indiana law.

Last year, in response to the growth of the Internet gambling problem, Congress passed the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA, which has effectively driven many illicit gambling operators from the U.S. marketplace. But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling operators to engage in business with U.S. customers. The Department of Treasury would alone decide who would receive federal licenses and whether the holders of those licenses were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

Furthermore, a federal license under H.R. 2046 would supersede any state enforcement action because, as written, this bill grants a ''safe harbor'' defense against any prosecution or enforcement under any state or federal law to any person who possesses a valid license and complies with the requirements of H.R. 2046. In other words, any gambling operator who obtains a license from the Treasury Department and follows the requirements of H.R. 2046 would be excused from criminal charges.

Essentially, the bill would legalize Internet gambling in each state, unless the governor of a state clearly specifies the existence of a current state restriction e.g., an existing state law) barring Internet gambling. On that basis, a state may ''opt out'' of the legalization of Internet gambling or certain types of gambling. However, this opt-out provision is problematic because it does not clearly preserve the right of states to place conditions on legal types of gambling. H.R. 2046 also does not grant Indiana any right to challenge a licensing decision by the Treasury Department or bring an enforcement action against a gambling operator who circumvents Indiana's prohibition on Internet gambling.

In addition, even if Indiana exercises this opt-out and Indiana's ban on Internet gambling remains in effect, the opt-out provision of H.R. 2046 will likely be challenged before the World Trade Organization (''WTO'') as a violation of U.S. trade agreements. In recent years, the WTO has ruled against the U.S. in disputes pertaining to free trade in gambling services. Accordingly, if the WTO strikes down the state opt-out provision as unduly restrictive of trade, then it is likely that we will see a significant expansion of legalized gambling in the U.S. and the preemption of state laws prohibiting or restricting Internet gambling.

I ask that you reject H.R. 2046 and any other proposals that would undermine Indiana's ban on Internet gambling.

Sincerely,

MITCHELL E. DANIELS, Jr.,
Governor, State of Indiana.

RECOGNIZING MABROOKA CHAUDHRY FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Ms. Mabrooka Chaudhry, an outstanding educator who has been selected to receive the Milken National Educator Award.

The Milken National Educator Award is given to outstanding elementary and secondary school teachers, principals, and other education professionals. The recipients must demonstrate exceptional educational talent through their instructional practices and student learning results in the classroom and the school. They must also represent themselves as leaders who engage and inspire students, colleagues, and the community.

Ms. Mabrooka Chaudhry, a social studies teacher at Atholton High School in Columbia, Maryland, has proven her ability in all of these areas. She empowers her students to debate and explore ideas in a safe, student-centered environment. Through online discussion groups and extensive writing assignments, she encourages students to articulate their ideas while improving their overall academic performance. Her students consistently perform well on the district's quarterly assessments in U.S. History, and 100 percent of her 2005–06 students earned a three or above on the AP American Government exam. She is currently serving as the U.S. History Curriculum Team Coordinator, and has facilitated the Multicultural Club, the Human Rights Awareness Club and the Muslim Student Association.

Ms. Chaudhry's love of her profession and the students that she teaches is evidenced by the energy she puts into her work and the achievements of her students. As someone who has been active and keenly interested in education policy throughout my professional life, I have the utmost respect for teachers like Ms. Chaudhry; she represents the passion and commitment of so many others across Maryland and the Nation who are working extremely hard to educate our children. As we work to rewrite the No Child Left Behind Act, the Congress ought to be doing all it can to provide these dedicated men and women with a law and the resources to empower this commitment and passion.

Madam Speaker. I want to again offer congratulations to Ms. Mabrooka Chaudhry, who has been recognized as an outstanding educator and will receive the Milken National Educator Award.

TRIBUTE TO PHILIP GIERS

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BOREN. Madam Speaker, I rise today to recognize the service and dedication of Philip Giers on the occasion of his retirement.

Philip has worked at the Veterans Administration for 37 years and on January 3rd he will retire after an impressive career. Fresh out of college, he began his service in West Haven, CT at the brand-new Blind Rehabilitation Center. Philip, a highly skilled woodworker, taught industrial arts to the blind. He then received his Masters degree in Special Education and started teaching cane travel and electronic mobility aids for the blind, where he became instrumental in the development of laser cane use and binaural sensory aid. In June of 1975, Phil and his wife, Christine, moved to Northampton, Massachusetts where he became Chief of Blind Rehabilitation at the Eastern Blind Rehabilitation Clinic in Leeds, which covered the entire eastern seaboard (as far east as the Mississippi River) and Puerto Rico. When the Blind Rehab Clinic was finally closed, Phil continued his work in public service in the Northampton VAMC's Human Resources Department and later in Pittsfield, MA where he was given the task of opening a sheltered workshop for veterans. He will end his long, award-winning career as manager of the sheltered workshop in Leeds VAMC, where he has worked to expand the influence of the work of veterans throughout western Massachusetts.

Phil's achievements and prominence has touched millions of people here in Washington, DC, as well: he was consulted in the development of our Metro system. He was also consulted in the development of the electric car and was called upon by Australia and several African nations on handicap accessibility issues.

Phil's dedication to helping the blind extends to his life outside of the office as well. He has been a member of Lions International since 1986 and has held several leadership positions, including president. The Lions Club is an advocate for bettering the lives of those with vision problems and Phil has worked tirelessly to further their cause on the local, State, national and international levels. Besides his work with the Lions Club he has been an active member of his church, Saint Mary's, for 28 years and has also served in leadership positions in Business Networking International. He is also an active blood donor, having donated 152 pints of blood over the past 37 years.

Phil is a respected leader in his community and a dedicated family man. He has been a loving husband to Christine for 34 years and father to Erica. While he will miss his work, Phil is looking forward to working more in his antique business, traveling with his wife and playing golf. We are all grateful for his service and wish him the best in his retirement.

TRIBUTE TO WILLIAM HAROLD DENSMORE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. William ''Bill'' Densmore is one of these individuals. On January 12, 2008 he will be honored at a retirement dinner.

Bill was born October 17, 1945 in Turlock, California and he was raised in the small town of Newman, California with a population of 2,500. He graduated from the prestigious University of California, Berkeley in 1967. Bill also attended Hastings College of the Law from 1967 to 1969. Bill served his country honorably in the United States Coast Guard from 1969 to 1973. In 1973, he was employed by the Riverside County Department of Veterans

where he is now retiring from after 34 years of excellent service. He became Director of the Department in 1989.

Bill has achieved many successes during his time as Director—not only for the Riverside County Department of Veterans but for the entire community of Riverside. He founded the Interagency Coalition on Homeless Veterans and hosted ten annual Homeless Veterans Care Fairs to publicize the plight of homelessness. Bill remains active as an advocate for homeless veterans, serving on the City's Homeless Task Force, the FEMA Local Board, and advocating with the JPA at March Air Force Base for a permanent facility for U.S. vets, and homeless veterans service provider. Bill also founded the Riverside National Cemetery's (RNC) Memorial Honor Detail, an all-volunteer organization providing military honors for veteran burials at RNC. Bill founded Vets Express, a free transportation service for veterans traveling from Blythe and the Coachella Valley to the VA Medical Center in Loma Linda. He worked to name a stretch of I–10 the Veterans' Memorial Freeway and successfully advocated for the placement of three VA Outpatient Clinics in Riverside County. Bill also founded the Annual Salute to Veterans' Parade in the City of Riverside.

Bill has worked on several memorials and monuments task forces, including the Villegas Memorial, the Riverside County Wall of Honor, the Riverside County Veterans' Memorial, and the monuments and memorials at the Riverside National Cemetery. As a member of the Veterans' Advisory Committee, he instituted the annual David Goldware Friend of the Veteran Award, the Legislative Breakfast series, and regular county-wide veterans' benefits workshops. Bill has advocated for and staged events at RNC as a way of introducing RNC to more Inland Empire residents.

Bill has also served on the GoRiverside Committee to promote the use of public transportation and he conducted the first county and state veterans' needs surveys, published the results with the help of the San Bernardino Veteran Service Officer, and distributed the surveys statewide to elected officials and veterans advocates and leaders. Bill continues to serve on the Evergreen Memorial Cemetery Committee to assist in restoration of this historic landmark in the city of Riverside and has served two four-year terms on the city of Riverside's Planning Commission.

Bill Densmore's tireless passion for veterans and community service has contributed immensely to the betterment of the community of Riverside, California. Bill has been the heart and soul of our veterans community events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

SALUTING MAYOR DENNIS TRUDEAU AS HE PREPARES TO RETIRE

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BROUN of Georgia. Madam Speaker, today I wish to honor and pay tribute to a faithful public servant in my 10th Congressional District of Georgia.

Dennis Trudeau has served Grovetown as mayor for over 20 years, but his service for the greater good has been a lifelong pursuit. Mayor Trudeau is a patriot who served his community, his country, and his world with distinction.

Before taking that first oath of office in 1988, he served his resident country of Canada with distinction in uniform. Trudeau grew up in Canada and enlisted in the Canadian Army as soon as he came of age. He was one of the thousand of brave men who stormed the beaches of Normandy and was even taken as a prisoner of war. Mayor Trudeau later joined the United States Army in July of 1946 and after retiring from active duty in July of 1967 worked with the U.S. Army Signal School until 1984. He is a man of courage, dedication, and strength.

It is obvious the people of Grovetown believed in Mayor Trudeau or they would not have re-elected him time and time again. In a newspaper editorial one resident wrote, ''He has lent dignity and restored a sense of pride to the residents of Grovetown.'' As the U.S. Congressman of Georgia's Tenth District, I consider it an honor to represent this fine leader and his dear town in Washington, DC.

Mr. Trudeau, we salute you and your service and wish you the best as you embark on the next phase of your life.

PERSONAL EXPLANATION

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MATHESON. Madam Speaker, I missed votes on December 11th and December 12th 2007 in order to attend the funeral of a close family member, which was held in Utah.

Had I been present and voting, I would have voted as follows: On rollcall vote No. 1142, ''aye,'' on rollcall vote No. 1143, ''aye,'' on rollcall vote No. 1144, ''aye,'' on rollcall vote No. 1145, ''aye,'' on rollcall vote No. 1146, ''aye,'' on rollcall vote No. 1147, ''aye,'' on rollcall vote No. 1148, ''aye,'' on rollcall vote No. 1149, ''aye,'' on rollcall vote No. 1150, ''aye,'' on rollcall vote No. 1151, ''aye,'' on rollcall vote No. 1152, ''aye,'' on rollcall vote No. 1153, ''aye,'' on rollcall vote No. 1154, ''aye,'' on rollcall vote No. 1155, ''aye.''

TRIBUTE TO JOYCE HAMLETT: A WOMAN CONTINUING TO BLAZE NEW TRAILS AS KEEPER OF THE MACE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MEEK of Florida. Madam Speaker and Members of Congress, as a Member of Congress, I am moved by Ms. Joyce Hamlett's trust in patience, trust in truth and trust that God has planned a great path for her life. I rise to ask you to join me in recognizing the excellent service and continued professional success of Ms. Joyce Hamlett, newly appointed Assistant Sergeant of Arms for the U.S. House of Representatives.

Congressional business begins when the Mace is set, and ends when it is lifted. There is one woman with the great responsibility to ensure that the Mace is available for this historical purpose. And, in times of emergency, one woman guards the Mace and preserves its protection.

Ms. Joyce Hamlett is the first African American woman to serve as the Keeper of the Mace. Her moral upbringing prepared her for this honorable position. Ms. Hamlett was raised by her grandfather in a church community that fostered the importance of honesty and faith. Indeed, Ms. Hamlett's strong heritage has served as the guiding force throughout her career on Capitol Hill.

In the early 1980s, Ms. Hamlett departed Broadway, North Carolina and began her successful professional journey alongside her mother, Betty Pearson, at the Capitol Café. Within five years, Ms. Hamlett rose to cook for lawmakers upstairs in the Capitol Hill restaurant.

Her respectable interaction with lawmakers continued when she went on to serve as elevator operator under the Architect of the Capitol. During that time, she formed long-lasting friendships with many Members of Congress.

In the early 1990s, Ms. Hamlett interviewed for the position of chamber security, and soon after began to firmly enforce House rules on the floor of the U.S. House of Representatives. As chamber security, she was well-known as one who worked hard to safeguard the principles and rich tradition of the U.S. House of Representatives.

Because of her excellent service, Ms. Hamlett was promoted to her current position as Keeper of the Mace. Ms. Hamlett is not only Keeper of the Mace, but she is also keeper of a strong moral foundation and keeper of the wisdom and principle represented by the Mace's solid-silver eagle.

Madam Speaker and Members of Congress, I congratulate Ms. Joyce Hamlett, a woman that continues to blaze new trails with distinction as Assistant Sergeant of Arms for the U.S. House of Representatives.

THE ECONOMIC RELATIONSHIP BETWEEN THE UNITED STATES AND RUSSIA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GUTIERREZ. Madam Speaker, I rise today to express my concerns about the economic relationship between the U.S. and Russia, and to once again call on the Bush Administration to exert pressure on Russia to ratify its Bilateral Investment Treaty with the U.S.

In October I chaired a hearing in the Domestic and International Monetary Policy, Trade and Technology Subcommittee on the U.S.-Russia economic relationship as it relates to the financial losses U.S. shareholders suffered as a result of the dissolution of the Yukos Oil Company. During the 1990s, Yukos was not only the largest private company in Russia, it was also a model of corporate governance that set an early example for other Russian companies entering the global market. Its chairman, Mikhail Khodorkovsky, was

well known in the U.S. and Europe for his leadership in helping Russia make the transition to a market economy.

But the Yukos Company's vast energy resources and Mr. Khodorkovsky's Western leanings proved too much for Kremlin operatives eager to assert state control over the energy sector and discipline Russian businessmen who supported opposition parties.

In what was widely reported by major news publications at the time, Russian authorities used arbitrary and possibly extralegal means to dismantle Yukos and redistribute $100 billion of its assets to state companies overseen by the Kremlin. At the end of the day, American investors in Yukos lost somewhere between $7 and $12 billion and Mr. Khodorkovsky, convicted on trumped up tax charges, was condemned to a penal colony.

Quite simply, U.S. and other would-be foreign investors need to know whether the rule of law will be upheld in Russia. And the Bush Administration needs to be motivated to start asking the Kremlin some tough questions when it comes to protecting the interests of U.S. investors.

From a Russian perspective, instances like the Yukos situation will create an uncertainty among potential investors, which could result in a substantial loss of investment and impede Russia's integration into the global economy.

In a December 12, 2007, article in the Washington Post, Dr. Anders Aslund of the Peterson Institute for International Economics writes that the Yukos incident, ''unleashed a great wave of renationalization in the post-communist world,'' and that the men in the Kremlin are, ''taking over one big, well-run private company after another, turning them into less efficient state-owned firms.''

In support of his assertions, Dr. Aslund mentions Leonid Reiman, a former KGB official, who is now Russia's Minister of Communications, while still controlling $8 billion in personal telecommunications assets.

The United States and Russia signed a Bilateral Investment Treaty (BIT) in 1992 but the treaty has not been ratified by Russia. Ratification of the BIT would provide protection for U.S. investors against the types of actions taken by the Russian government in the Yukos case.

The failure of Russia to ratify the BIT, has been a key weakness in the U.S.-Russia economic relationship. Compared to investors from many other nations, U.S. investors are at a disadvantage. For example, 38 countries—including France, Germany, Ireland, Italy, Spain and the U.K.—have concluded bilateral investment treaties with Russia that have also been ratified. The presence of these treaties allows Yukos shareholders from these countries to sue the Russian government, but that option is not available to U.S. shareholders.

I want to again call on the Bush Administration to persuade Russia to ratify the BIT. By ratifying the BIT, President Putin would send a strong message to U.S. investors that investing in projects in Russia is safe, and that the Yukos situation is the exception, not the rule.

Madam Speaker, I recommend to my colleagues Dr. Aslund's article in the Washington Post of December 12, 2007, and I request that the article be printed in the CONGRESSIONAL RECORD.

RUSSIA'S NEW OLIGARCHY

FOR PUTIN AND FRIENDS, A GUSHER OF QUESTIONABLE DEALS

(By Antlers Aslund)

The news that Dmitry Medvedev, Vladimir Putin's nominee to succeed him as president, wants Putin to become prime minister of Russia next year opens one option for Putin to retain power after his term ends. Putin has little choice but to stay in power as long as he can.

A year ago, a famous Russian journalist asked me: Is it true that Putin has a net fortune of $35 to 40 billion?'' (This journalist, of course, has long been excluded from Kremlin-controlled media.)

This fall, the respected Polish magazine Wprost published its annual response to Forbes, its list of the richest people in Eastern Europe. Besides the well-known business executives, there is Gennady Timchenko, a little-known character with a purported fortune of $20 billion. A small oil trader who resides in Geneva, Timchenko is from St. Petersburg, where he belongs to the same luxurious dacha collective as Putin.

I first heard of Timchenko in February 2004. Ivan Rybkin, a Russian politician who audaciously opposed Putin in the presidential election that year, claimed that Putin was ''one of Russia's biggest oligarchs'' and that he operated through three middlemen, including Timchenko. Rybkin charged that the Putin-Timchenko group was gobbling up the embattled oil giant Yukos. He swiftly disappeared under mysterious circumstances and after he reemerged, was forced to suspend his campaign.

Indeed, the privately owned Yukos oil company has been devoured by the state-dominated Rosneft, whose chairman is Igor Sechin, Point's closest adviser and collaborator. The confiscation, which began in 2003, was publicly justified with not-very-credible citations of tax violations. Rosneft's gain was probably about $100 billion in Yukon assets. U.S. investors in Yukos have lost at least $7 billion; some claim the figure is as much as $12 billion. In October, the House Financial Services Committee's subcommittee on domestic and international monetary policy held a hearing on this, at which I testified.

The Bush administration, however, has not protested this outrageous confiscation of private American property. Then-Secretary of State Colin Powell expressed strong support for Putin in October 2004: ''The Russian people came out of the post-Soviet Union era in a state of total chaos—a great deal of freedom, but it was freedom to steal from the state and President Putin took over and restored a sense of order in the country and moved in a democratic way.'' Putin appreciated—and might have been encouraged by—these words. Two months later, Yukon's main oil field was sold to Rosneft in an auction that Putin's economic adviser, Andrei Illarionov, called ''the scam of the year'' (for which he was sacked). U.S. shareholders in Yukos have come to realize that the United States has no single valid agreement that safeguards their property rights; European investors, though, can sue the Russian state under three treaties.

The Yukos confiscation has not cost Putin anything. In fact, he unleashed a great wave of renationalization in the post-communist world. His chums from St. Petersburg are taking over one big, well-run private company after another, turning them into less efficient state-owned firms. One of Putin's close friends from the KGB, Leonid Reiman, is his minister of communications. Last year, an independent arbitration court in Zurich ruled that Reiman, despite his denials, was the real owner of Russian telecommunications assets currently valued at on less than $6 billion. Reiman has amassed this extraordinary fortune as a state official, partly through beneficial privatizations, partly through privileged licenses issued to his companies. A government with any standards would fire such an official, but Putin suppressed this negative information within Russia and kept Reiman on, showing that he accepts corruption.

The Russian daily Kommersant published a long interview with Russian businessman Oleg Shvartsman on the eve of the recent Duma elections. Sensationally, he described how he raided private enterprises to the benefit of KGB officials described his activity as ''velvet reprivatization.'' Kremlin spokesmen have denied the report.

Even more striking was an interview last month with the Kremlin-connected Russian political observer Stanislav Belkovsky in the German daily Die Welt. Belkovsky, who initiated the Kremlin attack on Yukos, claimed that Putin controlled specific shares of three companies (Surgutneftegaz; Gazprom; and Gunvor. Timchenko's company) worth some $40 billion. Putin has not commented on this allegation.

According to Transparency International, Russia is growing more corrupt even as most other post-communist countries are controlling their corruption. The fundamental dilemma for Russia, and Putin, is that a system so corrupt cannot be very stable. It's less clear why President Bush does not call Putin out on this or even defend the interests of U.S. citizens and corporations.

INTRODUCTION OF THE BEST BUDDIES EMPOWERMENT FOR PEOPLE WITH INTELLECTUAL DISABILITIES ACT OF 2007

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BLUNT. Madam Speaker, I am pleased today to join my colleague from Maryland, the House majority leader; to introduce the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2007. As Mr. HOYER will attest, this is not the first time we have come together in a meaningful way in this important area—and we were both proud when the Special Olympics Sport and Empowerment Act of 2004 became law in the 108th Congress.

It's estimated that between 7 and 8 million Americans live with intellectual disabilities, impacting nearly 1 out of every 10 families. For these individuals, life is not always welcoming—and very rarely is it easy. People with intellectual disabilities are often excluded from society—whether at school, in the workplace or in their communities—simply because of their differences. So I was glad to learn of a program called Best Buddies. This organization. founded in 1989 by Anthony Kennedy Shriver, helps integrate people with intellectual disabilities into mainstream society, end their social isolation, and embark upon productive, fulfilling lives. The Best Buddies program works with volunteers to establish meaningful friendships with their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities. This is a program that has enhanced the lives of actual people

by providing real and safe opportunities for one-on-one friendships and new options for employment.

And while these activities may not sound like life-changing events to the average person, for individuals with intellectual disabilities, they make a world of difference. This bill helps accomplish that goal in a number of significant cant ways. It authorizes the Secretary of Education to award grants or contracts with Best Buddies to conduct and expand its activities—with an eye on increasing the participation of individuals with intellectual disabilities, as well as to promote outreach programs. This bill will go a long way toward dispelling negative, hurtful stereotypes and make clear the extraordinary gifts that people with intellectual disabilities nonetheless possess and utilize. More important, it will help move people with intellectual disabilities from the margins of society to the mainstream of society.

I am also pleased to note that this bill is budget neutral. The $10 million authorization in this bill is offset by repealing two programs that in the most recent fiscal year were funded at $10.4 million. I know Mr. HOYER and I look forward to working with our colleagues to enact this bill into law, in the hope that we can help raise the hope and dignity of people with intellectual disabilities, and further empower their full participation in our communities.

RECOGNIZING SHARON ADAMSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize the retirement of Sharon Adamson, coordinator for Boone County CARES (Child Abuse Resources and Educational Services), and to express my appreciation for her dedication and commitment to the safety of the children in Boone County, Iowa. For the past 14 years, Sharon has contributed her time and talents for the betterment of many young children, and for this I offer her my congratulations and thanks.

A native of Charles City, Sharon graduated from Moody Bible College in Chicago and received her B.A. in education from Trinity College in Deerfield. IL. After receiving her master's degree in counselor education she became a guidance counselor at an elementary/junior high school in Wisconsin before moving to Boone. While at CARES. Sharon played a key role in the growth of seven programs: Happy Bear, No More Secrets. Time Out for Moms, Parent Education, Children in the Middle, Stork's Nest, and Community CARES. She is very proud of Community CARES because it is a community created through ''radical'' hospitality which provides a safe place where people in need can go.

Sharon has made a significant impact on the Boone community by dedicating her career to benefiting and working towards growing a safe environment for all children. I know that my colleagues in the United States Congress will join me in commending Sharon Adamson for her leadership and service. I consider it an honor to represent her in the United States Congress and I wish her the best in her future endeavors.

OPEN GOVERNMENT ACT OF 2007

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. MALONEY of New York. Mr. Speaker, I rise today in strong support of the ''OPEN Government Act.''

Since coming to Congress, I have been working for an improved Freedom of Information Act process, a critical component to ensuring an open and transparent government. In 1996 Congress passed important legislation that reflected the changing technological times, the ''Electronic Freedom of Information Act of 1996.'' This important law helped to make FOIA more efficient by providing public access to information including in an electronic format.

The Oversight and Government Reform Committee, of which I am a member, has held several hearings during the past few years about the FOIA process where we learned that it has not progressed as well as we had hoped. Some agencies and departments are doing a better job of fulfilling freedom of information requests while some continue to lag behind.

Requesters often wait months or years to find out the status of their requests or to obtain the information. As a result, the backlogs at agencies and departments continue to grow. Frequently, the only recourse for the denial of requested information is to file lawsuits. However, many requesters cannot afford the high costs associated with court cases.

The ''OPEN Government Act'' includes many important provisions that I hope will improve the process and eliminate many of the problems that exist in today's system including an amendment that I offered in committee that would provide for greater disclosure to the FOIA requester about the exemption under which a deletion has been made from requested material.

I have heard from constituents who say that when they receive a response from the agency, they are unable to determine why certain information was redacted. While I recognize that in some cases linking a redaction to an exemption may reveal sensitive information, where possible I believe that agencies should specify which exemption applies to which redaction.

Passage of today's legislation is long overdue, and I commend Chairman WAXMAN and Ranking Member DAVIS and their staffs for bringing this bill to the Floor today.

A TRIBUTE TO ANNA GONZALEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Anna Gonzalez, a resident of Brooklyn for more than 40 years. Anna is the current director of the Hope Gardens Multi-Service Center; a community center that seeks to educate and empower the people of Bushwick, Brooklyn.

Anna Gonzalez, formerly Anna Rodriguez, attended Clara Barton High School. Ms. Gonzalez worked as a nurse during her 20s until she decided to take time off to raise a family. She first became involved in community activism at Public School 86, the elementary school her children attended. She worked as a parent leader, volunteering to help improve the school and then as a leader of a successful boycott to prevent the school's rezoning by local officials.

Ms. Gonzalez's participation in the boycott was a springboard to her next position as Community Associate with the Knickerbocker-Wycoff Service Center, an organization that assists residents with their problems and concerns. Ms. Gonzalez then worked at St. Barbara's Roman Catholic Church, organizing and running youth activities and religious educational services. In 1981, she accepted a position at the P–60 Senior Center, now the Hope Gardens Multi-Service Center. Within 6 months she was promoted to director.

Ms. Gonzalez's tenure as the Director of Hope Gardens has been marked by huge growth in the number of services that are being offered as well as the number of people being served. Today, Hope Gardens is an important community resource. However, her professional responsibilities did not interfere with her community involvement. Ms. Gonzalez was elected twice, the first time as a write-in candidate, to Community School Board #32, serving as chair for 2 years. She has also served on Community Planning Board #4 for more than 20 years, serving as chair for more than 6 years.

Ms. Gonzalez has been married to Pablo Gonzalez for 46 years; is the mother of four children: George, Aida, Jose, and Ralph; and the grandmother of seven children: Christopher, Justin, Anissa, Jacob, Megan, Kelsey, and Jeremy.

Madam Speaker, I cannot say enough about Anna Gonzalez. She is extremely generous with her time and cares a lot about her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this awesome woman.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on December 19, 2007, I missed votes because of scheduled eye surgery in Dallas.

Were I able to attend today's session in the House of Representatives, I would have voted ''yea'' on rollcall votes Nos. 1183, 1184, 1185 and 1186.

HONORING LOCAL AND STATE FIRST RESPONDERS, AND THE CITIZENS OF THE PACIFIC NORTHWEST IN FACING THE SEVERE WINTER STORM OF DECEMBER 2 AND 3, 2007

SPEECH OF

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. HOOLEY. Madam Speaker, although much work is left to be done as our communities start to recover from the severe storms that ravaged Oregon and Washington on December 2 and 3, 2007, we can reflect and be grateful for the hard work of the thousands of our fellow Pacific Northwesterners who helped neighbors, families, and complete strangers during the storms and their aftermath. Without their efforts, the damage and loss of life from the storm may have been much more extensive.

We were all shocked by the devastating impact that these storms wreaked on Oregon. More than 10 inches of rain fell in a 24-hour period with wind gusts ranging from 60 to 129 miles an hour. Communities along the coast were inundated, families huddled in shelters as homes were destroyed and the coast was cut off from the rest of Oregon as roads and bridges were washed out. Among the stark reminders of the terrible power of these storms are crippled railroad tracks and bridges in Tillamook County, damage to the National Guard Armory in Dallas and the flooding of most of the town of Vernonia as well as other communities up and down the coast.

Thankfully, first responders and ordinary citizens moved quickly to help their fellow Oregonians cope with the storm. Rescuers in one case used chainsaws and dodged falling trees to clear the way for an ambulance. Two Tillamook men also risked their lives to try and save a woman whose truck went into the Nehalem River on Highway 101. These are just two of the numerous stories of bravery by first responders and Good Samaritans who stepped up to help those impacted by the storm. Selfless Oregonians from across the State came to help in what turned out to be a spectacular response effort. It has been incredible to see the extraordinary efforts of so many.

I want to personally thank everyone who was involved. Their heroic service to our communities has been extraordinary and their efforts are deeply appreciated. I also want to extend my deepest sympathy to those whose family, friends, and loved ones perished in the storms. It is a tragedy that these individuals were taken from us in these terrible storms. My thoughts and prayers are with their families and friends at this difficult time.

RECOGNIZING KIARA DELLE HARGROVE FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Ms. Kiara Delle Hargrove, an outstanding educator who has been selected to receive the Milken National Educator Award.

The Milken National Educator Award is given to outstanding elementary and secondary school teachers, principals. and other education professionals. The recipients must demonstrate exceptional educational talent through their instructional practices and student learning results in the classroom and the school. They must also represent themselves as leaders who engage and inspire students, colleagues, and the community.

Ms. Kiara Delle Hargrove, a chemistry teacher at Baltimore Polytechnic Institute, makes learning exciting by turning science experiments into competitions. She places importance on making sure her students are well-rounded individuals by integrating reading and writing strategies into her science lessons. She also differentiates instruction in order to teach a variety of academic levels at once. To ensure that students enter high school with the proper skills, Ms. Hargrove teaches remedial math and science study skills to incoming freshmen through the Summer Bridge Program, and serves as the ninth-grade advisor. As co-advisor of the Math Engineering and Science Association (MESA), she helps elevate the study of math and science among girls, especially African-Americans, at Sudbrook Magnet Middle School. Ms. Hargrove was chair of the School Improvement Team, is co-author of the School Improvement Plan, and has influenced many of her fellow teachers to go beyond traditional approaches to teaching.

Ms. Hargrove's love of her profession and the students that she teaches is evidenced by the energy she puts into her work and the achievements of her students. As someone who has been active and keenly interested in education policy throughout my professional life, I have the utmost respect for teachers like Ms. Hargrove; she represents the passion and commitment of so many others across Maryland and the Nation who are working extremely hard to educate our children. As we work to rewrite the No Child Left Behind Act, the Congress ought to be doing all it can to provide these dedicated men and women with a law and the resources to empower this commitment and passion.

Madam Speaker, I want to again offer congratulations to Ms. Kiara Delle Hargrove who has been recognized as an outstanding educator and will receive the Milken National Educator Award.

RECOGNIZING THE COMMUNITY OF DELAWARE, OHIO

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the community of Delaware, OH. Ohio Magazine recently named Delaware one of Ohio's Best Hometowns.

Praised for its small town atmosphere, eclectic character and friendly neighborhoods, Delaware is a charming place to call home. Kindness and hospitality are lifelong qualities of this community and its members.

As one of Ohio's fastest growing communities it's easy to see why Ohio Magazine has named it one of Ohio's Best Hometowns. Home of the Little Brown Jug, Ohio Wesleyan University, and the Central Ohio Symphony, Delaware has much to offer its residents and visitors alike. The blending of old and new has created an energetic and historic downtown while preserving the personality of small-town America.

I offer my congratulations to Mayor Windell Wheeler and the members of the Delaware community. All have produced a welcoming place fur Central Ohioans to call home.

REMEMBERING HENRY HYDE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DREIER. Madam Speaker, we are all saddened by the passing of our friend and colleague, the gentleman from Illinois (Mr. Hyde). He will be sorely missed not only by his fellow Members, but by the countless people who came in contact with him on a daily basis.

One such person is Mr. Bert Caswell, a guide with the Capitol Guide Service. I am including for the RECORD a poem written by Bert about the late Mr. Hyde, as well as a recent article from The Hill discussing his poetry. I hope all Members will take the time to read this poem and remember Henry Hyde.

SOMETHING'S, YOU CAN NOT HYDE?

Something's!
You can not Hyde!
That lives with us, so very deep down inside. . .throughout our lives!
All in what we say and do!
All in who we so touch. . .that make us a real who's who!
As in our times, that which so comes into view!
For it's all about how you so carry yourself, as when you rise!
For it's all in what you so do, in others eyes, as your time upon this earth goes by!
For these, are the things that which one can not Hyde!
Fast breaking in our lives!
To court our hearts, all in our part called life that which so defines!
All in The Game of Life, you were so great Henry Hyde!
Henry Hyde, was such The Man. . .
Who upon the hardwood and on the floor of The House, did so boldy stand!
All because of his great heart, and stance. . .and his gentle hand!
From That Land of Lincoln. . .
From one court of greatness to another, always thinking!
As across the aisle he reached out his hand!
Quiet in his calm and caring grace.
For his service to God and Country he now so holds his place. . .
And for all of those magnificent children, he did stand!
Oh, Henry Hyde,
You were, But The Man! For in you we can so understand!
What it is to be a leader, a patriot, a family man. . .and God fearing man!
Yes, In Life. . .Something's, You Just Can Not Hyde!

FOR THE RECORD

(By Arie Dekker)

Congress's day-to-day proceedings and debates can be found immortalized in the official Congressional Record. The record's nearly 2,000 books, comprising more than 150 volumes, line the brick walls of the Senate Library and preserve the words of presidents, ambassadors, legislators and Bert Caswell, a 54-year-old Capitol tour guide from Baltimore.

Caswell may seem like an odd addition to the Record of floor speeches, inaugural addresses, scholarly essays and research studies. But his unflinching patriotism as captured in his accessible and unpretentious poetry is consistently submitted to honor America's diverse heroes.

''I never thought I was a writer,'' Caswell said. ''I thought writing was punctuation and spelling, and I can't do either.''

But when former Majority Leader Bob Dole (R–Kan.) resigned from the Senate to run for president in 1996, Caswell was so moved that he wrote the poem ''The Measure of a Man'' in Dole's honor. After the poem was casually distributed around Capitol Hill, then-Sen. Don Nickles (R–Okla.) officially inserted it into The Congressional Record.

''And from that moment, my life was changed,'' Caswell said.

Caswell had written only two poems before and has since composed more than 500 in tribute to lawmakers, presidents, veterans, entertainers, athletes and others. About 20 of his poems have wound up in The Congressional Record, after having been submitted by members from both sides of the aisle.

In memory of Sean Taylor, the football star who was recently killed by intruders in his Miami home, Rep. Kendrick Meek (D–Fla.) submitted a new Caswell poem to the Record on Dec. 4 entitled ''Taylor Made.'' Meek's spokesman Adam Sharon said Caswell and Meek talk as friends practically every day about their comings and goings. He said Meek is impressed with Caswell's ''big heart'' and willingness to go above and beyond his regular duties—not only writing poetry, but giving Capitol tours to special visitors like wounded veterans and children from the Make-A-Wish Foundation.

''The congressman finds that extremely commendable,'' Sharon said.

Rep. Pete Sessions (R–Texas) submitted a Caswell poem last month to honor Gunnery Sgt. Angel Barcenas, a Marine whose legs were amputated last year after sustaining injuries in Iraq. Barcenas had previously served Presidents Bill Clinton and George W. Bush on Marine One, and he recently led a group of Marines, police officers, and firefighters in a formation run to ground zero in New York City.

''Poetry has been a medium for not only documenting history but also upholding the principles that have made our nation great—principles such as courage, honor and perseverance,'' Sessions said in an e-mailed statement. ''I applaud Bert for using his gift of poetry to honor America's bravest.''

Listening to Caswell talk about his poetry is like taking a crash course in American history and culture. He has written about sports legends, political leaders, war veterans, firefighters, entertainers, civil rights leaders and Holocaust survivors.

''I write about heroes, people that inspire me,'' he said. ''I really am impressed with the people who have power and fame, and yet they wield it and they make the world better. And that's what it's really all about.''

Caswell's subjects include sports stars Steve Young, Cal Ripken Jr. and Mario Andretti; civil rights leaders Rosa Parks and Martin Luther King Jr.; reporter David Bloom; entertainers Bob Hope, Jason Alexander and Tom Hanks; Congressional Gold Medal recipient Dorothy Height and former astronaut and Sen. John Glenn (D–Ohio).

Caswell wears his patriotism on his sleeve. He makes an ideal tour guide, welcoming Capitol visitors with instant anecdotes about their home states' or cities' contributions to the greater national identity. He will seriously discuss their college sports teams' strengths and vulnerabilities, impersonate California Gov. Arnold Schwarzenegger (R), or crack jokes about the highest court in the land not being the Supreme Court, but rather a basketball court up the street.

Caswell has worked for the Capitol Guide Service for 21 years, although he did not plan it that way. As an all-American lacrosse star, he played on the national champion University of Maryland team in 1975. Before becoming a regular contributor to The Congressional Record, he was listed in NCAA record books as a top scorer at the 1975 Division 1 lacrosse tournament. He later coached the Maryland team for five years.

He earned two graduate degrees from Bowie State College, one in education and the other in administrative management. He then taught high school physical education and science for about 10 years.

In addition to being included in The Congressional Record, Caswell's poetry has been presented at official ceremonies and posted in government buildings. Several of his poems are posted in the amputee ward at the Walter Reed Army Medical Center. One of his poems is on display in a memorial to the police officers who were killed when a gunman entered the Capitol in 1998 and opened fire.

''I see more in three months than most people see in a lifetime,'' Caswell said, drawing a connection between his job as a tour guide and his passion for writing about American heroism. He said working at the Capitol exposes him to people from around the world and also gives him a unique firsthand view of lawmakers, who he says are underappreciated for their service. He is currently compiling his poetry for a book that will include anecdotes about the many famous people he has encountered in Washington.

''I have had the privilege of getting to know Bert during my time in Congress,'' said Rep. Joe Wilson (R–S.C.), who has inserted three of Caswell's poems into the Record this year. ''As a Capitol Hill tour guide, [Caswell] is instrumental in sharing the rich history of our beautiful Capitol Building.''

Caswell writes his poetry on a small laptop so he can write wherever and whenever inspiration strikes. His writing process is simple: He records what's on his mind, lets it sit for a while, and returns typically only once to double-check his work. He said the average poem takes no more than 30 minutes to complete.

''Mostly everything the first time comes out great,'' he said. ''And then I go back and tweak it. Normally the first draft's pretty good.''

He does not have a favorite poet or style of poetry. He actually avoids reading other poetry to keep his own work pure.

''I don't read other people's work, hardly, because I don't want it to change my words,'' Caswell said.

HONORING AND APPRECIATING AMERICA'S FIRE FIGHTERS

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise today to urge my colleagues to support H. Res. 695, a resolution calling for the creation of a ''National Fire Fighter Appreciation Day''. I introduced this legislation to celebrate and honor the brave men and women of America's fire departments. Since 1735, professional and volunteer fire fighters have been an invaluable facet of our communities, towns, and cities. Ever vigilant, this Nation's fire fighters respond quickly to emergencies of all kinds and protect and save lives each and every day. From the earliest days of Benjamin Franklin's Union Fire Company to the famous fire departments of New York City, Chicago, and Boston, every fire station in this country has a proud history and tradition of distinguished service. Today, over one million fire fighters answer the call of duty and perform extraordinary acts of selflessness and valor without hesitation.

In my district alone, the Orange County Fire Authority serves 22 cities with approximately 1,000 fire fighting personnel protecting over one million residents. Southern California's beautiful, yet volatile environment is prone to natural disasters, flash floods, and wildfires. Every year, Orange County fire fighters place themselves on the front lines of these disasters and tirelessly work day and night to rescue endangered residents and prevent damage to cities and land. Recently, we watched as these fire fighters joined those from several other southwestern states to successfully battle the wildfires that raged across Southern California in October. I commend the tremendous bravery of Orange Country fire fighters and am proud to honor each one today on the Floor of the House.

As internal and external threats facing this country change constantly, the role of the fire fighter has also modified and expanded. Not only do fire fighters defend our homes and buildings from fire, the highly trained personnel of the fire department provide emergency medical services, hazardous material response, special rescue response, and terrorism response. Whether it be a daring rescue of a family trapped in a burning house, preventing a forest fire from spreading, responding to the scene of an accident, or providing medical assistance at the location of a terrorist attack, fire fighters significantly impact the lives of Americans every day. And, in some cases, fire fighters have paid the ultimate price and given their lives to protect their surrounding communities. We will never forget these fallen heroes.

In light of the exceptional service of fire fighters across this nation and with full recognition and great respect of their quiet courage and valor, I ask that you join me in support of this resolution to express the desire of the House of Representatives for the establishment of a ''National Fire Fighter Appreciation Day'' to be observed annually. While we can never thank these men and women enough, this proposed national day of honor is a fitting tribute to those that keep sentinel watch over our lives and property.

Madam Speaker, I'm proud to honor America's fire fighters today.

WILDLIFE FOREVER CELEBRATES 20 YEARS OF HABITAT AND WILDLIFE PRESERVATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RAMSTAD. Madam Speaker, Congress has devoted considerable resources and effort to protecting the environment over the past few decades.

Wildlife Forever, based in Brooklyn Center, Minnesota, has been a visionary partner in our nation's efforts to conserve America's wildlife heritage through conservation education, preservation of habitat and management of fish and wildlife.

Today, I rise to salute Wildlife Forever as it celebrates its 20th anniversary and thank all the members and volunteers for all they do to protect our precious environment.

Since 1987, Wildlife Forever has provided funding to more than 800 projects in all 50 states through private special interest conservation groups, state game and fish departments and federal agencies. Species that have received direct benefit from Wildlife Forever grants include the American bald eagle, billfish, black bear, blacktail deer, bluebirds, bluegill, Canada geese, catfish, coyote, crappie, ducks, elk, gray whale, great gray owl, grizzly bear, herons, kestrels, largemouth bass, Massasaqua rattle snake, moose, mule deer, muskie, otter, peregrine falcon, pheasant, prairie chicken, quail, ruffed grouse, salmon, sea bass, Sonoran pronghorn, songbirds, striped bass, trout, trumpeter swan, walleye, white-tailed deer, wild turkey—the list goes on and on.

Partnerships are key to Wildlife Forever's success. Project highlights over the last 20 years include: Acquisition of 32,340 acres of land for public recreation; Wetland Restoration of more than 29,400 acres; Construction and placement of more than 9,224 bird and waterfowl nesting structures; Research utilizing radio telemetry and global positioning system with elk, grizzly bear, white-tailed deer, black bear, bighorn sheep, moose, goshawks and coaster brook trout; 125,747,367 public impressions with a 'Stop Invasive Species' message; Stream improvements and riparian repair of over 240 miles; Land Management practices including controlled burns, prairie restoration, shrubbery plantings, and reforestation efforts of more than 325,310 acres; Fish hatchery support producing a yield of 30,371,109 fish stocked in public lakes and streams; Placement of more than 130 Watchable Wildlife interpretive signs.

Madam Speaker, our Nation sends its thanks and gratitude to Wildlife Forever President and Chief Executive Officer Doug Grann and his entire team for all they do to protect the environment.

TRIBUTE TO CRYSTAL CITY IN ZAVALA COUNTY, TEXAS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise to recognize the historic 100 year anniversary of the founding of Crystal City in Zavala County in the great State of Texas.

In 1907, two land developers, Carl F. Groos and E.J. Buckingham, set about developing this town on the site of the 10,000-acre Cross S Ranch, which they purchased in 1905. In 1908 the arrival of a railroad set the foundation for the city's development as a processing, packing, and shipping center for vegetables, and in particular the locally grown spinach.

Originally named for its crystal clear artesian wells, today Crystal City is known as the "Spinach Capital of the World." Texas Governor James V. Alfred bestowed the title on the city after the First Annual Spinach Festival was held there in 1936. Staking claim to its spinach status, Crystal City is also home to a larger than life statue of Elzie C. Segar's Popeye. The well known sailor that is "strong to the finish 'cause he still eats his spinach" also serves as the Annual Spinach Festival mascot. Crystal City's landmark Popeye statue was erected in 1937 and dedicated "To All the World's Children."

The Spinach Festival centers on the agricultural heritage of the region and is held every second weekend in November. The three day festival attracts over 60,000 people to Crystal City and celebrates the production and consumption of spinach. Throughout its history, the festival has been recognized in issues of National Geographic, Texas Highway, and Texas Monthly magazines, and by the publishers of the Special Event Industry and Event Business News. In 1945 the California Packing Corporation, later the Del Monte Corporation, built an extensive canning plant just northwest of Crystal City.

Today, Crystal City still serves as the center for Texas's "Winter Garden" region, an area named for its year-round production of vegetables by irrigation.

This community of over 7,000 people has a historically significant past. During World War II, Crystal City was home to the largest alien internment camp housing American civilians of German, Italian and Japanese ancestry. On November 1, 1947, more than two years after the end of World War II, the Crystal City internment camp was formally closed.

In the 1960s, Crystal City was also at the center of the beginning of the Mexican-American civil rights movement. In 1969, a conflict arising from the ethnicity of cheerleaders resulted in 200 Mexican-American students staging a walk-out from the high school, that soon spread to the middle and elementary schools. The U.S. Department of Justice became involved in the dispute and ultimately negotiated a settlement that paved the way for bilingual education and better testing programs.

Crystal City's rich—and sometimes turbulent—past has made it what it is today, a shining example of a truly American community.

I am proud to represent the people of Crystal City and to recognize the city upon its 100th anniversary.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CAPUANO. Mr. Speaker, after the 9/11 terrorist attacks, many insurance companies excluded terrorism events from their insurance policies, leaving businesses vulnerable to the threat of future terrorist attacks. In response, Congress passed the Terrorism Risk Insurance Act, TRIA, in 2002 and extended it in 2005 to create a federal backstop to protect against terrorism related losses.

As a result, TRIA has helped make terrorism insurance available and affordable to businesses, particularly those in our major urban areas. If TRIA were allowed to expire at the end of this month, many major development projects across the country would come to a halt, putting many jobs and economic development opportunities at risk.

Although I am disappointed that the stronger House version of this legislation did not get enacted, I urge my colleagues to support H.R. 2761 so that this important program will continue for years to come.

CONGRATULATIONS TO ST. PAUL'S EPISCOPAL SCHOOL ON THEIR 2007 5A STATE FOOTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BONNER. Madam Speaker, it is with tremendous pride and personal pleasure that I rise today to honor St. Paul's Episcopal School on their 2007 5A Alabama State Football Championship.

In 1947, William S. Mann founded St. Paul's Episcopal School in Mobile, Alabama. St. Paul's began with a class of 20 kindergartners and has grown to an enrollment of more than 1,600 students, making St. Paul's the largest Episcopal school in North America. While perhaps best known for their outstanding faculty and top-notch college-preparatory curriculum, St. Paul's is also fast becoming acknowledged around the State for having one of the best athletic programs as well. In fact, just last year St. Paul's was recognized by the Birmingham News as having the best overall sports program in the entire State of Alabama.

First-year head coach Mike Bates led the 14–1 Saints to his school's first-ever football State championship. Even though St. Paul's has a rich and proud history of winning championship trophies in many other sports, this most recent honor on the gridiron brings the number of State championships won by St. Paul's teams to three this year. Madam Speaker, these three championships mark the school's 134th, 135th, and 136th respectively in St. Paul's storied history.

Indeed, the St. Paul's Saints proved they are a team of champions in their victory on December 7, 2007, at Legion Field in Birmingham as they defeated Briarwood Christian in a thrilling 14–13 victory.

The entire St. Paul's family is excited and proud of what these young men have accomplished. Whether on or off the field, the student athletes of St. Paul's continue to set positive examples for those who will follow them. Many of the young men who played on this year's team will become stars in their own right in college and perhaps, one day, in the pros. However, make no mistake, they are all champions in the game of life.

Madam Speaker, I ask my colleagues to join me in congratulating St. Paul's Episcopal School on their extraordinary football season and State championship. This team and the entire school deserve public recognition for this tremendous accomplishment.

I extend my congratulations to each member of the team and coaching staff:

ST. PAUL'S ROSTER

NAME, GRADE, AND JERSEY NUMBER

Strickler Adams, 12th, 17; Glen Adams, 9th, 19; Tyler Andrews, 10th, 46; Mark Barron, 12th, 4; Deige Barry, 12th, 33; Ryne Baxter, 12th, 68; Matt Bowden, 11th, 31; Mic Brown, 12th, 75; Angelo Bruno, 11th, 42; and Scott Byrd, 12th, 50.

Alan Carrol, 10th, 51; Davis Coker, 10th, 18; Joe Cotton, 11th, 58; Scott Crow, 11th, 81; Daniels Duhe, 11th, 21; Adam Dyas, 10th, 25; Chad Dyas, 11th, 40; Paul Elcan, 12th, 67; Dominic Francia, 11th, 11; and Gaines Gibson, 12th, 15.

Joe Gilmore, 11th, 56; Brett Granger, 12th, 29; Carson Hale, 11th, 16; Destin Hood, 12th, 1; Zain Husain, 12th, 3; Trevor Jones, 12th, 74; Tyler Kennedy, 12th, 63; Zach King, 10th, 62; Josh Lancaster, 12th, 54; and Scott Martin, 12th, 14.

Ivan Matchett, 12th, 5; AJ McCarron, 11th, 10; Corey McCarron, 9th, 43; Andrew McGee, 10th, 30; Clint McKinnon, 12th, 83; Bill McRae, 12th, 35; Andrew Miller, 12th, 8; Joseph Minus, 11th, 64; Williams Morrissette, 12th, 24; and Bishop Mostellar, 10th, 37.

Harrison Myles, 12th, 22; Patrick Myles, 10th, 20; Hunter Nelson, 11th, 44; Dulan Nicholas, 10th, 55; William Oneal, 12th, 28; Luke Phillips, 12th, 23; Marcus Porter, 11th, 53; Marcus Powell, 10th, 41; Thomas Praytor, 12th, 72; and Gray Rentz, 12th, 26.

Matt Rippy, 11th, 9; Grant Rogers, 12th, 12; Mason Thames, 10th, 78; Mike Thomas, 11th, 52; Walton Thompson, 11th, 61; David Turner, 10th, 80; Louis Watson, 12th, 2; Lee Wingard, 10th, 60; Billy Wyatt, 12th, 65; John Wyatt, 10th, 27; and Ryan Zarzour, 12th, 6.

COACHING STAFF

Head Coach: Mike Bates.

Assistant Coaches: Muskingum Barnes, Ron Danley, Tim Hardigree, Tyler Siskey, Thomas Smith, and Shane Sullivan.

RECOGNIZING TOM NIELSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Humboldt, Iowa Police Officer Tom Nielsen as a recipient of The Sullivan Brothers' Award of Valor for saving another's life by risking his own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

On June 10, 2007, Officer Nielson received an emergency alert indicating that a distraught woman had jumped into the river above the Reasoner Dam. Officer Nielsen quickly responded to the call and rescued the woman, who remained combative during his lifesaving effort.

Officer Nielsen's bravery goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans: willing to risk their own lives for a neighbor in need. For this I offer him my utmost congratulations and thanks.

I commend Officer Tom Nielsen for his bravery. I am honored to represent him in Congress and I wish him the best in his future endeavors.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Energy Independence and Security Act. I'll let some of the numbers stand on their own:

This historic legislation will increase vehicle fuel standards to 35 miles per gallon in 2020, the first such increase in over 30 years. In 2020, these fuel standards will give consumers in my State of New York an estimated $894 million in annual net consumer savings. The bill is also expected to save consumers across the country $400 billion through 2030 by energy efficiencies in buildings, appliances and lighting. Additionally, according to analysis by the Union of Concerned Scientists, provisions in the bill will support the creation of nearly 150,000 jobs, nationwide—a full 8,200 in New York alone. Finally, by 2030, the legislation will cut greenhouse gas emissions by 24 percent.

All these numbers—increased efficiencies, savings, and jobs and reduced global warming—and many more add up to the new direction this Congress is taking in energy policy. I thank the Speaker and all my colleagues for their hard work on this challenging legislation.

A TRIBUTE TO SHERNET NEUFVILLE-GRAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the efforts of Shernet Neufville-Gray to positively change the health care community in the Brooklyn, New York area.

Shernet Neufville-Gray is a divorced mother of two daughters, Chloe, age 16, who is a leukemia survivor and Quimani, age 11. Born and raised in Kingston, Jamaica, Shernet is a product of a family that instilled the value and importance of education. In 1988, Shernet received her Bachelor of Arts degree from the University of the West Indies in Mona Campus, Jamaica. In 1997, she earned her Master's degree in Public Administration from New York University.

Shernet feels that her mission in life is to provide and facilitate the delivery of service for the underserved. Her recognition of these endeavors began as early as age 19 while working as a student-teacher intern in one of the violence ridden areas of Kingston, Jamaica.

Shernet moved from Jamaica to the United States approximately 20 years ago and shifted her career focus to healthcare. Within this field she has worked at resolving dilemmas in various healthcare settings. Shernet currently serves as the Associate Director of Psychiatry's Division of Chemical Dependency for the Health and Hospitals Corporation at the Woodhull Medical and Mental Health Center and its surrounding network. In this capacity, Shernet has been instrumental in developing, revising and implementing policies that serve as advocacy for persons in recovery from drug and alcohol abuse. This she does while resolving patient complaints and ensuring that the facility and staff meet regulatory and stakeholders expectations regarding service. Her prior capacities as research analyst at the Brooklyn Hospital Center helped her promote the use of evidence-based practices in healthcare. There, Shernet spearheaded improvement in the hospital's patient education practice as well.

Not only has Shernet spent her entire career serving as an advocate for the underserved, but she is heavily involved in community organizations. She is a founding member of the Vander Park Glenwood Lions Club, and she is also a member of an organization of Jamaicans (JON-J) that provides services to youths, immigrants and anyone in need. Shernet is also an active member of the United Methodist Church, where she works in various fundraising capacities and volunteers in the church's soup kitchen.

Madam Speaker, I would like to once again recognize the selfless contributions that Shernet Neufville-Gray has made to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this outstanding woman and the great things for which she stands.

AWARDING CONGRESSIONAL GOLD MEDAL TO DAW AUNG SAN SUU KYI

SPEECH OF

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. SMITH of New Jersey. Mr. Speaker, like so many of my colleagues, I am proud to be an original cosponsor of H.R. 4286, to award a Congressional Gold Medal to that heroine of the Burmese people and the world, Daw Aung San Suu Kyi.

It is fitting for Ms. Suu Kyi to receive this, the highest and most distinguished civilian award we have to offer. She is a courageous leader, a former Nobel Peace Prize recipient who has spent 12 of the past 18 years behind bars. For what? For daring to advocate for a peaceful, democratic system for Burma, instead of violent, military rule.

The military refuses to recognize the will of the Burmese people—made exceedingly clear in past elections, and most recently in the demonstrations we all saw this Fall. The people plead for human rights and an end to the junta's power. Instead, these thugs have cracked down even harder with their customary persecution and bloodshed.

The Congressional Medal of Honor was originally awarded to military leaders for achievement in battle. Ms. Suu Kyi and the Burmese people are currently waging their own battle—a peaceful one—based on democratic ideals that all Americans share with them. Let's honor Ms. Suu Kyi for this peaceful struggle, and send a message to her brutal captors and to the world, that we stand with her and her people.

TRIBUTE TO CHERITH NORMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WOLF. Madam Speaker, I rise today to express my deep appreciation for Cherith Norman's service to our country as senior congressional adviser in the Bureau of Legislative Affairs at the U.S. Department of State. I have had the privilege of getting to know Cherith during her time as senior congressional adviser in the State Department's Bureau of Legislative Affairs on budget and appropriations issues. She is one of the best congressional liaisons from the State Department that I have worked with during my entire time in office. I have been deeply impressed by her work ethic and commitment to serving the United States government. She is conscientious, dedicated, and quick-thinking, and has been a tremendous asset to both me and my staff.

Cherith worked for Senator JIM DEMINT for 6 years while he was a U.S. Representative and also during his congressional campaign. She worked at the State Department for 4 years, serving as a political appointee since 2003 in the Bureau of Legislative Affairs. During her time at the State Department, Cherith has served as interlocutor between the appropriators and the department on critical spending issues; planned countless congressional member and staff trips overseas; coordinated with the White House, National Security Council, the Office of Management and Budget and other Executive Branch agencies to present the President's international affairs budget to Congress each year; advised senior State Department officials on policy and funding strategy for international programs and State Department operations, and, in a courteous, conscientious and efficient manner, facilitated clear communication between Congress and the State Department.

Cherith is moving to New York to serve on the staff of Ambassador Zalmay Khalilzad in the U.S. mission to the United Nations. Cherith's strong work ethic and selfless attitude have been the hallmarks of her service to our government and to the department, and I believe that she will serve the State Department very well in this new capacity. I know I am joined by many of my colleagues in the House of Representatives in expressing our appreciation for her work here in Washington, our sadness at her departure, and our best wishes for her future endeavors in our mission to the United Nations.

INTRODUCING THE BROADCAST LICENSING IN THE PUBLIC INTEREST ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. ESHOO. Madam Speaker. I think there is a lack of quality civic dialog taking place in our country today. Our news has become homogenized and formulaic and there is a persistent dumbing down of national issues. The corporatization of media and the massive consolidation of our media outlets have made broadcasters less responsive to their local audiences. This has eroded public discourse in our country, and this has an impact on the health of our democracy.

Last month Congress held a joint session to hear French President Nicolas Sarkozy. In his remarks he celebrated the life of the great French political philosopher Alexis de Tocqueville. In his seminal work Democracy in America, de Tocqueville marveled at the diversity and number of newspapers and journals in America. He believed that there was a symbiotic relationship between a democracy and the media when he said that there "is a necessary connection between public associations and newspapers: Newspapers make associations, and associations make newspapers." A healthy democracy, according to de Tocqueville, needs a strong diverse media. The diversity that de Tocqueville extolled has been in precipitous decline, a fact that has not been lost on the 70 percent of Americans that believe that media consolidation has gone too far.

Two major conglomerates control two-thirds of the national radio market. Increasingly, "local broadcasts" are voice tracked or recorded remotely and passed off as live local broadcasts. Four out of ten commercial TV stations surveyed in 2003 aired no local public affairs programs; 92 percent of the election coverage aired by the national networks in the 2 weeks before Election Day 2004 was devoted to the Presidential contest, leaving only 8 percent for local elections and referendums. Slightly less than 2 percent of stories were devoted to the U.S. House or Senate races, and an additional 2 percent examined ballot initiatives or referenda. These are but a few startling facts that demonstrate the crisis.

The perils of media consolidation are not just theoretical—they've manifested in a failure of broadcasters to serve in the public interest. At 2 a.m. on January 18, 2002, there was a train derailment in Minot, ND. All six commercial radio stations in Minot were owned by the same broadcaster, yet when emergency responders tried to reach somebody at the stations to air emergency warnings and instructions, nobody responded. Clear Channel was voice tracking its broadcast in Minot. Over 240.000 gallons of a hazardous material—anhydrous ammonia—were leaked. One person was killed. 110 were immediately treated, and more than 1,000 people needed medical care in the months that followed.

The consolidation we've witnessed has coincided with the erosion of public interest standards imposed on broadcasters. The idea that broadcasters are public fiduciaries has been lost. I believe relaxed ownership rules and rubber-stamped postcard license renewals have contributed to this degradation. The public interest standard was created out of a compromise between civic groups and broadcasters. Broadcasters wanted editorial control, while civic groups in the 1920s wanted broadcasters to be regulated as common carriers. As a compromise, broadcasters were given editorial control but were also required to serve the "public interest, convenience and necessity." When a broadcaster receives a license they are investing in public responsibility and service. This responsibility should not be reduced to a postcard. Broadcasters must demonstrate that they are meeting the needs of their community. We need to reinvigorate the public interest requirement on broadcasters.

I'm introducing legislation today entitled the Broadcast Licensing in the Public Interest Act. This legislation attempts to put new life in the public interest standard. First, the bill reduces a broadcast license term from 8 years to 3. The 3-year term will bring greater oversight and scrutiny to license renewals. Second, the bill requires broadcast licensees to demonstrate that they have made a dedication to the civic affairs of its community and to local news gathering. The bill also mandates that broadcasters air locally produced programming and make a commitment to provide a public presentation of the views of candidates and issues related to local, statewide or national elections. Finally, the bill obligates that broadcasters provide quality educational programming for children. If enacted, this legislation would strengthen the public interest standard and force greater scrutiny on license renewals.

I urge members of this House to cosponsor this legislation and revive the public interest standards on broadcasters.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BACHUS. Mr. Speaker, I rise in strong support of this legislation, and urge its immediate passage. We are voting on language very similar to legislation that passed the House 418–1 at the end of July, which supports the decision of state and local legislators and fund managers to divest from companies doing business in Sudan. However, the bill before us today does not require the government to create or be the source of a "black list" of such companies. For that reason, the Senate version is much more acceptable to the Administration.

Some have said that today's legislation is too little, too late. This certainly may not be the case for more than a million innocent men, women, and children who have somehow survived the genocide and slaughter. We can't rewrite history or save lives already lost in Darfur. However, we can and must resolve to do better going forward. This legislation has the potential to give hundreds of thousands of

peaceful and unarmed men, women, and children in Darfur an increased chance of surviving the genocide.

Economic and financial considerations have been used to both block and water down our Sudan capital markets legislation in the past. Economic and financial considerations are important, but in a loving nation can never be used as justification for turning a blind eye to genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle. America is a loving nation, and allowing our financial markets to be utilized by an evil regime which conducts religious and racial genocide is inconsistent with our values and principles.

Mr. Speaker, this legislation will help put strong pressure on a government that has consistently engaged in genocidal actions, both directly and as an enabler of paramilitary factions that are harassing and killing people in the Darfur region and elsewhere in Sudan.

It is vital to keep the pressure on the Khartoum government, both because of the ''bait-and-switch'' game it has been playing with the rest of the world for years, pretending to make strides to end the genocide and then going back on its word when the world's outrage is temporarily spent. The latest outrage involves refusing to allow the deployment of non-African United Nations peacekeeping troops, due in two weeks, which it previously had agreed to accept.

The objective of this legislation is one that I wholeheartedly embrace, and that I have sought to achieve in legislative proposals of my own in previous Congresses. Passage will be a strong expression of Congress's outrage over the continued genocide in Darfur. I urge its immediate passage.

I want to thank the staff that worked on this important effort. From Chairman FRANK's staff, Jim Segel, Scott Morris, Daniel McGlinchey and Nancy Alexander; from Representative BARBARA LEE's staff, Chrisos Isentas; from Representative DONALD PAYNE's staff, Noelle Lusane; from Representative ILEANA ROS—LEHTINEN's staff, Gene Gurevida and Yleen Poblette; from Representative FRANK WOLF's staff, Molly Miller; from Representative CHRISTOPHER SMITH's staff, Sherry Rickert; and Joe Pinder, Kevin Edgar, and Anthony Cimino from my own staff.

CONGRATULATING CARROLL COLLEGE FIGHTING SAINTS

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. REHBERG. Madam Speaker, I don't know if you've had a chance to see this week's Sports Illustrated Magazine. On the cover is a picture of Brandon Day, a football player for the Carroll College Fighting Saints—who on December 15 won their fifth National Title in six years. Carroll College plays in Helena. Montana as a part of the National Association of Intercollegiate Athletics. This year, they had a perfect 11 and 0 record in the regular season and survived the playoffs to defeat the Sioux Falls Cougars by a score of 17 to 9 to win the Championship. They say that defense wins championships—the Saints' defense allowed only 5.1 points per game, the fewest points allowed in all of college football. They shut out opponents five times during the year including once during the playoffs. But it wasn't just a powerful defense that earned this Championship—a well-balanced offense scored an average of 26.4 points per game. I would like to congratulate Coach Mike Van Diest, his team, his school and their fans on a truly remarkable season. Next year, the Saints will be building on the longest win streak in college football at fifteen games. I ask that the team roster be added to the record with my comments.

Team Roster: John Camino, Brian Sloan, John McKenna, Zack Gill, Justin Smith, Chase Gill, Travis Browne, Zach Richardson, Cody Zimmerman, Wilson Bowlby, Shane Van Diest, Marcus Miller, Andrew Lopez, Bryce Picard, Jon Von Eschen. Zach Schaal, John Barnett, Will Barnett, Gary Wagner, Brian Murphy, Stevie Sloan, Jeren Starr, Thomas Dolan, Cody Lamb, Kody Swartz, Gabe Le, Zach Thiry, Jeff Deal, Nick Milodragovich, Christian Prosperie, Mike Waldenberg, Tyson Bogumill, Jake Whetzel, Body Whetzel, Pat Regan, James Byrd, Kurt Stoll, T.J. Lehman, Tucker Vezina, Corey Peterson, Shawn Holland, Greg Bosick, Jake Orrino, Chanler Buck, Colton Sherley Sean Herrin, Brandon Day, Kyle Ferebee, Travis Schmidt, Ellis Beckwith, Ryan Egan, Matt Tummel, Thomas Robinson, Mac Gordon, Tyler Espinosa, Scotty Rice, Bubba Bartlett, Greg Thompson, Marshall McEwen, Tyler Pasha, Nick Gilchrist, Phil Lenoue, Ted Morigeau, Andy Fjeseth, Owen Koeppen, Trever Hass, Spencer Savage, Rick Young, Garret Garrels, Nick Petrusha, Ron Baze, Doug Adams, Alex Pfannanstiel, Bryson Pelc, Ben Wahl, Conrad Addison, Kolten Knatterud, Dan Layton, Kerry Cicero, Chad McMillan, Conor Fox, Justin Howe, Brent Williams, Mike Pafthausen, Mike Vickhammer, Ryan Gilmore, Adam Brockway, Scott Holbrook, Donald Phipps, Leonard Thurmond, Bryan Camino. David Whitmoyer, Kipp Curtis, Lat Wipplinger, Tyler Sanders, Mac Kirk, Dan Lovin, Roman Morris, Isiah Linnell, Luke DenHerder, Kyle Moore, Kris Drumheller, Zach Zosal, Casey Sternhagen, Cole Whitmoyer, A.J. Allen, Garret Thompson, Ryan DeKruyf, Mike Ogrin, Mason Siddick, Will Hamilton.

President: Dr. Thomas Trebon; Athletic Director: Bruce M. Parker; Sports Information Director: Brandon Veltri; Head Football Coach: Mike Van Diest; Assistant Coaches: Nick Howlett, Jim Hogan, Jarrod Wirt, Gary Cooper, Tyler Emmert, Nick Hammond, Mark Lenhardt, Tim LeRoy, Jed Thomas.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BONNER. Madam Speaker, on Tuesday, December 18, 2007, I was absent for two votes due to an important meeting regarding a significant economic development need in my district. Had I been present, I would have voted ''yea'' on rollcall Nos. 1179 and 1180.

CONGRATULATING PRESIDENT-ELECT LEE MYUNG-BAK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WILSON of South Carolina. Madam Speaker, today America's great ally, the Republic of Korea, elected a new President. To provide congratulations and in recognition of the achievement of President-Elect Lee Myung-bak, I wish to submit the following article from the Associated Press regarding today's presidential election in South Korea.

LEE CLAIMS WIN IN SOUTH KOREA ELECTION

(By Burt Herman)

SEOUL, SOUTH KOREA (AP)—Former Hyundai CEO Lee Myung-bak claimed victory Wednesday in South Korea's presidential election, as voters overlooked fraud allegations in hopes he will revive the economy.

Lee's two main rivals both conceded defeat after returns and exit polls showed him winning nearly double the votes of his closest competitor.

''Today, the people gave me absolute support. I'm well aware of the people's wishes,'' said Lee, of the conservative Grand National Party. ''I will serve the people in a very humble way. According to the people's wishes, I will save the nation's economy that faces a crisis.''

The National Election Commission said Lee had 48.6 percent of the vote with 98 percent of ballots counted. Liberal Chung Dong-young was a distant second with 26.2 percent. The victory margin was by far the largest in any South Korean presidential election.

Lee, a former Seoul mayor who turned 66 on election day, has led the race for months. His victory ends a decade of liberal rule in the South, during which the country embarked on unprecedented reconciliation with rival North Korea that has led to restored trade and travel across the heavily armed frontier dividing the peninsula.

''I humbly accept the people's choice,'' Chung told reporters late Wednesday. ''I hope (president)-elect Lee Myung-bak will do a good job for the country.''

Candidate Lee Hoi-chang, who was trailing in third with 15.7 percent of the vote, congratulated Lee Myung-bak on his win.

''I hope he would uphold the people's yearning for a change in government and correct what the outgoing government has done wrong in the past,'' he told reporters.

The office of liberal President Roh Moo-hyun congratulated Lee.

''We respect the people's choice shown in this election,'' presidential spokesman Cheon Ho-seon said in a statement.

Hundreds of supporters watching results on a giant TV in front of the Grand National Party's headquarters burst into song Wednesday evening as returns showed Lee winning.

Lee has pledged to take a more critical view of Seoul's engagement with North Korea and seek closer U.S. ties. Efforts to end North Korea's nuclear weapons ambitions stand at a critical juncture, with the communist country set to disclose all its programs for eventual dismantlement by a year-end deadline.

State Department spokesman Tom Casey congratulated Lee on his victory.

''We have a long history of cooperation and friendship with South Korea and fully expect that'll continue with this new government,'' he said. ''Certainly, we've got a number of important issues on our bilateral agenda including our mutual cooperation in the six-party talks.''

RECOGNIZING CRAIG OLTHOFF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Craig Olthoff, a longtime U.S. Department of Agriculture Farm Service Agency employee, and to express my appreciation for his dedication and commitment to the agricultural community of Iowa.

For the past 30 years Craig has been employed by the Farm Service Agency. He served as the Hardin County executive director from 1978 to 1989, when he was then promoted to district director. As district director, Craig oversaw 11 county offices in north central Iowa. I offer him my utmost congratulations and thanks for his dedication to providing reliable service to Iowa Farmers.

I know that my colleagues in the United States Congress join me in commending Craig Olthoff for his leadership and service to the USDA Farm Service Agency and the farmers in his district. I consider it an honor to represent Craig in Congress and I wish him a long, happy and healthy retirement.

A TRIBUTE TO ANDREA R. ADAMS, MPA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Andrea R. Adams. Andrea was born on Staten Island, New York and is a product of the City's public school system. After receiving her G.E.D., she enrolled in York College in Jamaica, New York and St. Joseph's College in Brooklyn. Andrea later attended Long Island University, graduating with a Master's of Public Administration and a certificate in Health Care Administration.

Andrea has worked in the health care field for 25 years. She has held various positions, among them: Medical Secretary; Technical Specialist; Health Educator; Hospital Training Director; Community Outreach Liaison; Executive Assistant; and currently, Director of Volunteer and Auxiliary Services.

Andrea is credited with spearheading the Gateway to Health Sciences School at Queens Hospital 12 years ago. She implemented this unique learning hospital/high school collaboration to lure inner city youth to occupations in the health profession. The hospital's on-site project opened the door to her present and most rewarding task; counseling young people allowing them to see the potential of a rewarding a career in the health care field. As the hospital's Volunteer Director, she also assists second career adults referred from health career schools, and senior citizens seeking a rewarding volunteer experience.

Andrea is a member of the National Association of University Women's Saturday Tutorial Program. This program assists children in improving their reading, math, penmanship, and communications skills. Andrea is an active supporter of many of the programs at St. Matthew's Community A.M.E. Church of which she is a member. Currently, the church is preparing to open an after school program center. Upon its completion, Andrea plans to be a regular participant of the skills enhancement program. She is also a member of the New York City Board of Education's ''Speaker in the Classroom'' program. Each year, she visits day care centers, schools and colleges to share information about various and unique careers in health care.

Andrea is a member of the Women's Concerns Committee at Queens Hospital Center and participates in developing projects to advance cultural awareness among hospital staff. Her diligent work in this area earned her the Mayor's Award in 2001. She is also a rape, domestic violence advocate and an outreach educator of the health care proxy law, breast cancer awareness, and HIV/AIDS transmission.

Madam Speaker, I would like to recognize the impressive achievements of Andrea R. Adams, who has spent her life giving so much to others. I also want to thank Ms. Adams helping the children of Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to this exceptionally kind woman.

FOURTH TIME A CHARM FOR WESTERN ALAMANCE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. COBLE. Madam Speaker, the old adage, ''If at first you don't succeed, try, try again'' wasn't written specifically with the Western Alamance High School football team in mind, but as its players and fans will tell you, that statement perfectly captures the fighting spirit of the Warriors. On December 8, 2007, Western Alamance won the North Carolina 3–A high school football championship on its fourth try in the title game. The Warriors completed a perfect 16–0 season by defeating North Gaston 62–36.

Having lost three straight state championship games, the Warriors of Western Alamance were used to playing in a big game setting. As Head Coach Hal Capps told the Times-News, however, there was something different about this year's squad. ''North Gaston is an outstanding football team, outstanding,'' Coach Capps told the Burlington newspaper, ''but this team was on a mission, they were not going to be denied.''

Senior receiver Levon Curtis, who was named the game's Most Outstanding Player, was part of those past title game losses, and he told the Times-News, ''We did it. I didn't know it would ever happen. I've got to get it through my mind, we did it.'' Curtis certainly did it by scoring four touchdowns, two through the air and two on the ground. In all, Curtis caught seven passes for 153 yards and rushed for another 96 yards.

Coach Hal Capps will be the first to tell you that finally winning that elusive state championship took a total team effort. Members of his coaching squad included Terry Covington, Drew Hambright, Chris Jackson, Frank Lassiter, Kenny Lockner, Brad Melton, Mike Mitchener, Chris Myers, and Jeff Snuffer. They were ably assisted by team managers Kaitlyn Lockner, Rachel McKinney, Amanda Summers, and Amanda Thomas.

But it was the players who finally led the Warriors to the promised land. Members of the 3–A champs include Ethan Willis, Jonathon Corriher, A.J. Smith, Donald Britt, Ryan Blair, Jared Orton, Houston Spake, Nathan Jasper, Brandon Hill, Kenneth Lindsey, Chris Sparks, Wes Satterfield, Tucker Street, Chris Bradsher, Matt Maness, Connor Meehan, Scottie Thomas, Justin Torrence, Rod Shaw, Michael Wade, Doug Bernard, Olanders Sellars, Johnny Mitchell, P.J. Wright, Brad Brenner, Macon Rippy, Billy Williamson, Gary Strader, Kyle Norris, Levon Curtis, Nathan Bell, Kevin Lewis, Kyle Haizlip, Josh Baulding, Casey Roberts, Todd Ludwig, Joe Ahlgren, Christian Saconn, Robert Fields, Mac Mitchener, Blake Bledsole, Chris Sizemore, Jered Welborn, Josh Warren, Donald Schietzelt, Jay Johnson, Matt Apple, Shawn Huffines, Richard Miller, Laramie Stallings, Nick King, Corey Brothers, Bradley Dickey, Jamal Dark, Zack Palm, Allen Black, Tony Bejos, Jeremy Gooding, Tyler Clayton, Martin Dailey, Dace Crawford, Ashton Tinin, Wayne Stanfield, Joe Reinheimer, Ronnie Mimms, Jordan Gaines, Bill Blanchard, Jeremy Ray, Avery Booker, Josh Medlin, Alex Mitchell, George Wentz, Ben Smith, Brent Oliver, and Orvin Guiffaro.

All of these players assisted Western Alamance in a record-setting performance. Six State records were broken during the title game, including most combined points scored (98) in a championship contest. The only number that the Warriors will remember is four. Because on the fourth try, Western Alamance finally brought home the trophy.

Even amid all of the jubilation, there was some sadness associated with the team. Two days before the championship, the brother of offensive coordinator Jeff Snuffner died of cancer. Quarterback Donald Britt told the Times-News, ''When we heard Coach Snuffner's brother died, something went off in us. We just wanted to do it for him. We wanted to go out there 110 percent, every play.'' Coach Capps told the Burlington newspaper that just before the game, he and his offensive coordinator hugged and told the other how much they loved each other. ''I'm sitting there five minutes before the game,'' told the Times-News, ''crying like a baby. That's what life is all about. It's about loving and caring about people and having relationships. When something doesn't go right, you pick each other up and go on.''

The Warriors did more than go on. They went all the way to be named as North Carolina 3–A high school football champions. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Western Alamance Principal Terri Spears, Athletic Director Carter Gerlach, Head Coach Hal Capps, and all of the players, coaches, staff, family, and fans, as well as the outstanding Warriors marching band. The team is a true inspiration to all of us who work hard to accomplish our goals. The Warriors proved that sometimes old adages are true because they never gave up.

TRIBUTE TO THE FREDONIA AMERICAN LEGION AUXILIARY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to recognize the accomplishments of the Fredonia American Legion Auxiliary. The members of this organization have loyally served the Fredonia area and its veteran community for many years and their good deeds deserve to be acknowledged.

All of the Legion's activities work toward its mission to improve the quality of life for Fredonia's veterans and their families.

To raise money for veteran family events, such as their annual Children's Christmas Party, the Legion has held various events throughout the year including a Chinese auction, craft show, bingo night and several basket raffles.

As part of their community service efforts, members collected donations to give to local needy families during the holiday season.

The Legion hosted an ''Americanism'' Essay Contest at local grade schools to promote patriotism among the country's youth. The winners included third-grader Olivea Wright from Oakview Elementary and sixth-grader Kelsey Greathouse from Commodore Perry Elementary.

On Veterans Day and Memorial Day, members held honorary services with special guest speakers to pay tribute to U.S. veterans in the Fredonia area.

From September 2006 to June 2007, the Fredonia American Legion donated an impressive $18,700 in coupons to 37 commissaries around the world.

The officers of the Legion include: Mary Ellen Flynn, President; Sandy Lurtz, 1st Vice President; Ruth Foust, 2nd Vice President; Dorthy Young, Secretary/Treasurer; Shirley Kirsch, Chaplain; Darlene Hoffman, Historian and Sergeant-at-Arms; Mary Jane Lockcock, Sergeant-at-Arms.

I hope my colleagues will join me at this time in recognizing the service of the Fredonia American Legion and in congratulating its efforts.

MAJOR CONSTRUCTION PROJECT AT ATLANTA VETERANS AFFAIRS MEDICAL CENTER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LEWIS of Georgia. Madam Speaker, today, almost last, but certainly not least, Congress takes action on a bill to authorize a major medical facility project that will create modern inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia. This is an investment of $20.5 million to provide a standard of care our Nation guarantees for veterans across America. This is a relatively small bill but it is part of keeping a very big promise. We should always keep that promise.

This project will renovate 3 inpatient floors to meet ADA accessibility requirements. Our handicapped veterans should have bathrooms, showers and toilet facilities they can actually use. This project will also meet needs of a growing group of women veterans. It will provide patient privacy where it has been inadequate. And it will make the staff work more efficiently by simply making the layout of the building better for work. In addition, an enclosed connecting bridge will be built between the Medical Center and VA Regional Office buildings so there will be more fluid access between what goes on at the hospital and what goes on at the benefits administration.

The Atlanta VA Medical Center has an active affiliation with the University of Emory Medical School. This project will keep this relationship on sound footing. Hundreds of medical doctors and students with Emory make contributions at the hospital and see firsthand the result of sacrifices made from generation to generation. Unfortunately, with the number of our boys and girls coming home from war growing as we speak, these physicians are going to be caring for so many more people with so many more health problems.

I want to applaud the efforts of my colleague from Georgia, Senator JOHNNY ISAKSON, for working to pass this bill through the Senate. I know on this issue, the issue of caring for our veterans, all of us from Georgia and on a bipartisan basis in the House and Senate can agree that no expense should be spared in order to ensure the best care modem medicine can provide.

We have more work to do on this and so many other issues. It is my hope we can come together on more bills in the coming year, much larger bills, which benefit those who wear the uniform, as well as kids and seniors who need better health care.

TRIBUTE TO HUGHSTON ORTHOPEDIC HOSPITAL

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WESTMORELAND. Madam Speaker, the city of Columbus in Georgia's 3rd Congressional District boasts a stellar health care community that enriches the well-being and quality of life for Muscogee and surrounding counties.

This year, Georgia Trend magazine singled out one of those health care facilities, Hughston Orthopedic Hospital, for its Honor Roll, naming it one of the 15 best places to work in the state.

Long known for its excellent patient care, Hughston's secret is now out: It also provides excellent employee care.

One of the founders of the hospital summed up the organization's ethos by saying, ''It's not bricks, mortar and equipment that makes a hospital—it's people.''

Employee input helps the hospital keep its edge in providing the best possible care. Every month, the President's Council convenes to allow employees to voice suggestions or concerns directly to the CEO, Don Avery.

Hughston employees receive 100 percent tuition reimbursement, flexible working schedules, day care discounts and a special HOPE fund to aid employees suffering hardships. Employees who go above and beyond the normal call of duty receive special recognition, such as the Spirit of Caring award for nurses dedicated to excellent care and the Frist Humanitarian Award for workers who engage in community service and extraordinary acts of kindness.

In 1984, Dr. Jack Hughston, known as the ''father of sports medicine,'' and Dr. Thomas Frist Sr. founded the hospital. Today, the hospital famed for its sports medicine is a 100-bed orthopedic facility performing spinal surgeries and joint replacements.

Madam Speaker, I want to call special attention to the special people providing visionary leadership and top-notch medical care to the patients in the Greater Columbus area. They embody the spirit of hard work and compassion that keep America great.

On behalf of the 3rd Congressional District of Georgia and this House, I congratulate Hughston Orthopedic Hospital on this well-deserved recognition.

SUPPORT FOR RECOGNITION OF PLUTO AS A PLANET

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to express my support for the renewed recognition of Pluto as a planet.

The planet Pluto was discovered on January 23, 1930, by Clyde Tombaugh. Although just 24 years of age with no formal education beyond high school, Mr. Tombaugh discovered this new planet by painstakingly and systematically examining and comparing photographic plates he had made of the night skies over New Mexico. For this achievement, Mr. Tombaugh received a prestigious award from the Royal Astronomical Society along with a scholarship to the University of Kansas, which allowed him to continue his formal education.

Clyde Tombaugh went on to make a large number of additional contributions to our knowledge of the universe and to receive many more awards and honors before his death on January 17, 1997. I am proud to note that Mr. Tombaugh was born on February 4, 1906, on a farm near Streator, IL, in LaSalle County—a community which I am privileged to represent in the Congress of the United States.

Unfortunately, on August 26, 2006, the International Astronomical Union, IAU, meeting in Prague and relying on the votes of only a handful of its approximately 10,000 members, made the decision to downgrade the status of Pluto.

This decision was met with protests from eminent scientists and astronomers all over the world. Perhaps foremost among those in the international scientific community strongly disagreeing with the IAU decision was Dr. S. Alan Stern. Named earlier this year by Time magazine as one of the ''One Hundred Most Influential People in the World'', Dr. Stern is also one of the lead consultants for the New Horizons Mission.

The New Horizons Mission is an unmanned spacecraft launched in January of 2006, which is projected to reach Pluto and the outer edge of our solar system in the year 2015. This

spacecraft is carrying some of the ashes of Clyde Tombaugh.

In closing, I urge my colleagues to express their support for the reversal of the International Astronomical Union's decision and the official reinstatement of Pluto as the ninth and outermost planet in our solar system.

RECOGNIZING THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MICA. Madam Speaker, I rise today to recognize the 75th Anniversary of the American Association of Motor Vehicle Administrators. The AAMVA will be holding their 2008 annual meeting in Orlando, Florida.

In 1932, growth in the motor vehicle population, increasing interstate travel, and an increase in death and injuries on the highways highlighted the need for a national organization for uniform interstate laws and programs.

In response, representatives of the States, recognizing this need for uniform and reciprocal administration of motor vehicle laws, formed the American Conference of Motor Vehicle Administrators. Subsequently in 1933 the group renamed itself the American Association of Motor Vehicle Administrators, or AAMVA.

AAMVA has been the recognized North American authority for driver licensing and motor vehicle administration. AAMVA's U.S. and Canadian members have worked collaboratively to support and improve motor vehicle administration, safety, identification security and law enforcement.

AAMVA has served as a liaison with other levels of government and the private sector, and its development and research activities have provided guidelines for more effective public service.

AAMVA has fostered a tradition of service in the motor vehicle and law enforcement professions, providing outstanding service to the community through superb customer service initiatives, information technology, safety, and the best in public affairs and consumer educational programs throughout North America.

I would like to commend the many achievements of AAMVA and encourage AAMVA to continue its tradition of excellence in service to motorists through its advocacy of improving highway safety.

HONORING COMMUNITY BRIDGES OF SANTA CRUZ COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. FARR. Madam Speaker, I rise today to honor Community Bridges of Santa Cruz County, which will gather to celebrate its 30th anniversary later this month. Community Bridges, a family of non-profit programs, provides otherwise unmet care to the citizens of Santa Cruz County and is a vital component of our community.

Since its inception on October 19, 1977, Community Bridges has worked to provide innovative human services to enhance our diverse community. Today the family of programs (Child and Adult Care Food Program; Child Development Programs; La Manzana Community Resources; Lift Line: Live Oak Family Resource Center. Meals on Wheels; and WIC Nutrition Program) serves nearly 30,000 Santa Cruz County community members each year.

Through its services, the group nurtures the entire life from beginning to end. Starting childhood, Community Bridges fosters a better life by providing childcare, after-school programs, and teen mentoring to ensure that children develop the skills they need to succeed in school and life. For those later in life Community Bridges helps residents maintain their dignity and independence by providing meal delivery, transportation, and literacy and language education.

With an eye on healthy living, Community Bridges combats childhood obesity and promotes community wellbeing by providing nutrition education programs, breastfeeding support for new mothers, and food reimbursements. Moreover, Community Bridges helps reduce the risk of child abuse and keeps families strong by providing parenting classes, fostering educational attainment, and connecting families to health insurance programs and other important resources.

They not only seek to address unmet human service needs in our county, but also focus on supporting existing efforts to serve the community by working with other local care providers. Community Bridges promotes civic engagement by actively seeking community input and providing leadership training opportunities for local residents. By building partnerships with local organizations they ensure the greatest efficiency and accessibility of services for Santa Cruz County residents. The broad reach and integrated structure of Community Bridges affords the agency the unique ability to swiftly identify and address community needs as they emerge.

Madam Speaker, it is an honor to express appreciation for the critical role Community Bridges serves in providing a safety net for the most vulnerable members of our community and helping to improve the quality of life for the children, families, and seniors in Santa Cruz County.

COURT RULINGS ON YUKOS MANAGEMENT

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WICKER. Madam Speaker, I would like to share information with my House colleagues about the application of the rule of law and free market economics in Russia. While economic growth has been positive since the 1998 financial crisis, Russia's legal and political system has regressed, threatening the development of a diverse economy based on market principles and the rule of law. The Russian government's 2003 expropriation of the YUKOS Oil Company raises concern about the stability of the economy and continues to remind us that investing in Russia is still very risky.

As Co-Chairman of the Congressional Human Rights Caucus Russia Working Group, I would point out that the same legal system that has undermined the civil and human rights of former YUKOS head Mikhail Khodorkovsky and his business partner Platon Lebedev, also caused the company's downfall. In the YUKOS case, the Russian courts failed to adhere to basic principles such as private property rights protection, independent judges, due process and equal application of the law.

YUKOS, once Russia's largest oil company, was forced to declare bankruptcy in August 2006, when it could not pay claimed back taxes. After a series of auctions, YUKOS' remaining assets fell into the hands of the state-owned company, Rosneft. On November 22, 2007, Russia's Federal Tax Service announced it had completed YUKOS' bankruptcy procedure and that the company had ceased to exist as a legal entity.

In contrast to their experience in the Russian judicial system, Khodorkovsky and Lebedev have won several court rulings in other countries. The first favorable decision came in August 2006, when a Dutch court refused to give the Russian receiver of YUKOS, Eduard Rebgun, full control of its Dutch unit.

In August 2007, the Supreme Court of Switzerland ruled that the case against Khodorkovsky and Lebedev was politically motivated and refused to release bank documents to Russia in connection with the case.

Shortly afterwards, in October 2007, the European Court of Human Rights ruled that Russia had violated the rights of Lebedev during his arrest and pretrial detention, and the Russian government was ordered to pay him compensation.

However, in the most recent and significant ruling on October 31, 2007, a Dutch court ruled the YUKOS receiver did not have the right to sell off the firm's foreign assets in a bankruptcy auction in August. The court nullified all actions taken in that auction. The court also ruled that YUKOS was denied a fair trial to establish how much back taxes it owed to the Russian government.

The Dutch court ruling is important because it highlights three vitally important issues: First, the ability of Russian officials to appoint their own managers to run YUKOS; second, the bankruptcy of YUKOS and the process used to achieve it; and third, the validity of the original tax claim against YUKOS.

This decision, like many others before it, raises concerns about the legitimacy of the Russian court rulings in the YUKOS case. When the European Court of Human Rights along with courts in Switzerland, the United Kingdom, the Netherlands and other jurisdictions all reach the same conclusion, it strongly indicates that there is something very wrong in the application of the rule of law in Russia.

I want to share details of the October 31st Dutch court judgment relating to this case, and would like to submit for the RECORD the ''Decision'' section of that ruling.

JUDGMENT

District Court of Amsterdam, civil law division, case number/docket number: 355622/HA ZA 06–3612.

Judgement dated 31 October 2007 in the case of 1. David Andrew Godfrey, resident in London (United Kingdom); 2. Bruce Kelvern Misamore, resident in Houston, Texas (United States of America); 3. the private company with limited liability YUKOS Finance B.V., with registered seat in Amsterdam; claimants, procurator litis: Mr. R.J.

van Galen versus 1. Eduard Konstantinovich Rebgun, in his capacity of trustee in the bankruptcy of the legal entity under the law of the Russian Federation OAO YUKOS Oil Company, having chosen domicile at Rotterdam; 2. Leendert Jacob Hogerbrugge, Resident at Leiden; 3. Sergei Savelyevich Shmelkov, resident at Moscow (Russian Federation); defendants, procurator litis: Mr. P.N. van Regteren Altena.

Claimants jointly hereinafter to be called Godfrey et al. and separately Godfrey, Misamore and Yukos Finance. Defendants jointly hereinafter to be called Rebgun et al. and separately Rebgun, Hogerbrugge and Shmelkov. OAO Yukos Oil Company hereinafter to be called Yukos Oil.

THE DECISION

The District Court:

Passes a declaratory judgment that all Shareholders' Resolutions in regard to Yukos Finance, in so far as taken by Rebgun in his capacity of trustee of Yukos Oil, including but not limited to the decision to dismiss Godfrey and Misamore as directors of Yukos Finance B.V. dated 11 August 2006 and the alleged decisions to appoint Shmelkov and Hogerbrugge as directors of Yukos Finance, are null and void;

Passes a declaratory judgment that all decisions taken by Shmelkov and/or Hogerbrugge in their supposed capacity of directors of Yukos Finance B.V. are null and void;

Orders Rebgun to lend his immediate and unconditional cooperation to the reversal of the (consequences of the) Shareholders' Resolutions he made in Yukos Finance, subject to a penalty of 10,000 Euros for each individual violation and of 1,000 Euros for each day that such violation continues, to a maximum of 500,000 Euros;

Forbids Rebgun to exercise any rights with respect to the shares of Yukos Finance or to have these rights exercised, subject to a penalty of 10,000 Euros for each individual violation and of 1,000 Euros for each day that such violation continues, to a maximum of 500,000 Euros;

Orders Shmelkov and Hogerbrugge, both jointly and severally, to lend their immediate and unconditional cooperation to the reversal of the (consequences of the) managerial decisions taken in Yukos Finance, whether individually or jointly, subject to a penalty of 100,000 Euros for each individual violation and of 100,000 Euros for each day that such violation continues, to a maximum of 100,000 Euros;

Forbids Shmelkov and Hogerbrugge to exercise any rights with respect to their alleged representative authority in Yukos Finance or to have these rights exercised, subject to a penalty of 100,000 Euros for each individual violation and of 100,000 Euros for each day that such violation continues. to a maximum of 100,000 Euros;

Orders Rebgun, Shmelkov and Hogerbrugge jointly and severally to pay the procedural costs on the side of Godfrey et al., estimated up to this judgment at 332,87 Euros in disbursements and 1,808 Evros in local counsel's salary:

Orders Shmelkov to pay the costs incurred in connection with the Russian translation of the Writ of Summons, being 10,882,06 Euros;

Declares the aforementioned orders and injunctions as well as the orders to pay the procedural costs immediately enforceable;

Dismisses all other applications.

This judgment was passed by Mr. W. Tonkens-Gerkema, Mr. C.S. Naarden and Mr. A.W.H. Vink and delivered in open court on 31 October 2007.

HONORING THE CAREER AND ACHIEVEMENTS OF NEIL NOLF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to celebrate the exemplary career of Mr. Neil Nolf, a talented public servant and good friend, who is retiring at the end of the year after decades of public service at the Niagara Falls Air Reserve Station. Since assuming his post as Public Affairs Officer in 1987, I have had the privilege of working with Mr. Nolf on many issues of critical importance to the residents of the 28th Congressional District of New York, especially those that involved improving the lives of the dedicated service men and women at the Air Base. His was a life dedicated to public service and his vision and leadership will be sorely missed.

Neil Nolf's life has been driven by a deep/rooted sense of commitment to his community and service to his country. Born and raised in western New York, Mr. Nolf graduated from Buffalo State College in 1975 and began work at the Social Security Administration in Buffalo. Mr. Nolf then left his home in western New York to begin work for the FBI in Washington, DC. From there, he fortunately returned to western New York to begin a very successful career at the Niagara Falls Air Reserve Station. While working full time, Mr. Nolf enlisted as a reservist with the 914th Airlift Wing in 1979, discovering and honing the unique leadership skills that have come to define his lifetime of service.

Never content with settling for the status quo, as Public Affairs Officer, Mr. Nolf has been responsible for transforming the Air Reserve Station into the efficient facility that it is today. Overseeing the construction of a new training facility, an officers and airmen quarters, a military entrance processing site, and a much needed runway extension, he was able to the ensure that the 914th Airlift Wing had the critical equipment and facilities required to be one of the most successful units in the country. His leadership has also been significantly tested in recent years, with the 914th Airlift Wing being the most deployed reserve unit in the Nation since the beginning of the Iraq War in 2004.

The Air Base, its surrounding communities, and indeed the Nation as a whole, owe a debt of gratitude to Mr. Nolf. His legacy will live on at the Air Base, and I look forward to seeing the Air Base continue to grow and flourish, adding much to the security and the economic viability of our Nation. I am honored today to have the opportunity to pay tribute to his service, and I wish Neil the best as he embarks on the next chapter of his storied life.

TRIBUTE TO NAPLES HIGH SCHOOL FOOTBALL TEAM

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MACK. Madam Speaker, I rise today to honor the Naples High School Football Team for winning this year's Class 3A Florida State Championship at the Citrus Bowl last week.

Trailing 10–7 against St. Augustine, the Naples High Eagles turned an errant snap into a game-winning touchdown to win the game 17–10. The win keeps the Eagles' 15–0 season record spot-free and makes it the first undefeated season in school history.

Vince Lombardi once said, ". . . You've got to play with your heart, with every fiber of your body. If you're lucky enough to find a guy with a lot of head and a lot of heart, he's never going to come off the field second."

The young men of the Eagles Football Team have proven what Coach Lombardi said, and what he meant. Any of us who have played competitive sports understands the valuable lessons of hard work, teamwork and commitment. These memories and lessons will stay with these players for the rest of their lives and are made all the sweeter by their incredible season.

Madam Speaker, I know the people of Southwest Florida join me in offering our heartiest congratulations to the Naples High School Football Team, their coaches, students and fans. We couldn't be more proud of their accomplishments this season.

CONGRATULATING THE FOOTHILL HIGH SCHOOL AGRICULTURAL TEAM

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate the Foothill High School Agriculture Team of Bakersfield, California on receiving first place in the Parliamentary Procedure Event at the 80th annual National Future Farmers of America Leadership Conference.

The team defeated competition from groups representing 45 states, receiving the country's top Ag education honors. Abigail "Abby" Ryan was also named the national Outstanding Presiding President. Winning the state title earlier this year, the students went on to capture a title at the national competition.

Foothill High team members included Abigail Ryan (President), Amber Sawyer (Secretary), Vern Clark, Amanda Shuminski, Leanne Clark, and Wes Pounds. I would also like to recognize the Foothill High Agriculture Coach Josiah Mayfield.

Undoubtedly, the Parliamentary Procedure skills developed will promise success to students in years to come. Some of these skills included the ability to run orderly meetings on agricultural issues by introducing motions, debating topics and voting, demonstrating their knowledge of the principles of democratic assembly.

It gives me great pride to honor the Foothill High Ag Team and congratulate the Principal, Brenda Lewis, the Coach, Josiah Mayfield and these outstanding Ag students for receiving this distinguished award.

A TRIBUTE TO KEN REID AND DEBRA MADISON-REID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ken Reid and Debra Madison-Reid. Ken and Debra have known each other their entire lives. They played together as children in the streets of Bushwich where Debra resided and where Ken would visit relatives who lived on the next street. While the two of them were enrolled in high school, Debra's family moved to the same block as Ken's best friend.

Ken and Debra lost contact after high school though Ken had made countless attempts to win the heart of his long-time friend. After high school, Ken enrolled at Hofstra University, pursuing a degree in Broadcast Engineering. Following graduation, he accepted a position at New York Telephone Company, now Verizon. The very first day he reported for work, he opened the door and saw Debra and they were once again connected. They were married in Brooklyn, New York on October 18, 1982.

Years later, Debra and Ken found themselves without a tenant for the top floor of their brownstone. With no prospects in sight, they realized they had to get creative very fast. Ken has always purchased gift certificates to area spas; meanwhile, Debra was able to persuade Ken to host several of their own spa parties at places like the Presidential Suite at the Embassy Suites Hotel in Manhattan. Eventually, they would convert the top floor of their brownstone into a day spa.

The Spa Club in Bed-Stuy opened its doors December 30, 2006 and has become a place that nourishes the mind, body, and soul. Their clients include government officials, members of the Brooklyn Chamber of Commerce, members of the New Jersey Nets organization, local church congregates and other community organizations.

There are plans in the works to expand The Spa Club throughout the entire building within the next 2 years. There are also plans to have a location in the Atlantic Yards within the next 5 years.

Madam Speaker, I would like to recognize both Ken Reid and Debra Madison-Reid for their contributions to our community and providing a place for us to nourish our minds, bodies and souls after a hard day.

Madam Speaker, I urge my colleagues to join me in paying tribute to this beautiful couple who have the type of story of which movies are created.

TRIBUTE TO DEPUTY JEFF WILLIAMS AND OFFICER MICHAEL KETTERER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DOOLITTLE. Madam Speaker, on August 18, 2007, Placer County Sheriff's Deputy Jeff Williams and California Highway Patrol Officer Michael Ketterer responded to the call of a woman who was about to commit suicide. The woman planned to jump from the Foresthill Bridge, which at 730 feet tall is the third highest bridge in the country.

Upon arrival, Deputy Williams and Officer Ketterer were met by Mr. Michael Owens, who was attempting to calm the woman until help arrived. When the officers approached the woman, they realized she had climbed over the rail of the bridge and was hanging by her hands while her feet dangled beneath her. Exhibiting extraordinary bravery, Deputy Williams reached through the rail and grabbed the woman's left arm while the two other men assisted in attempting to pull the woman to safety. In doing so, all three men risked their own lives by leaning over the side of the bridge safety rail in order to rescue the woman from certain harm.

I would like to commend Deputy Jeff Williams for his heroic efforts. A graduate of Sierra College who currently resides in Roseville, CA with his wife Maria, Deputy Williams is an asset to his community and deserves to be praised for his selflessness and bravery.

RECOGNIZING THE LIFE OF OSSIE DAVIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the life of Ossie Davis, an American actor, World War II veteran, writer, and civil rights activist.

Raiford Chatman Davis, better known as Ossie Davis was born on December 18, 1917 in Cogdell, Georgia as the fifth child of Laura Cooper and Kince Davis. The name Ossie derived from a pronunciation of his first and middle initials, RC.

He began studying in 1939 at Howard University, but decided to withdraw to pursue his dream of being an actor. He relocated to New York City and began acting with the Rose McClendon Players in Harlem. He served as a surgical technician for the Army during World War II from 1942 to 1945. After returning from the war, he continued to pursue his dream of acting and debuted in the 1950 film No Way Out. He was an exceptional actor and appeared in many movies, television shows and stage plays.

He married Ruby Ann Wallace, also known as Ruby Dee, in 1948. She was also an actress and civil rights activist. Their contribution to the civil rights movement was significant and inspiring. They played a key role in planning the historical 1963 March on Washington for Jobs and Freedom and served as emcees. They were friends of Martin Luther King, Jr., Malcolm X, and Rev. Jesse Jackson and worked side by side with them to advance the rights of African Americans. Mr. Davis had the honor of delivering the eulogy for Martin Luther King, Jr.

In 2007, their album "With Ossie and Ruby: In This Life Together," won a Grammy Award for Best Spoken Word Album. Mr. Davis passed away on February 4, 2005. His contributions to the performing arts and civil rights movement will live on for years to come.

IN RECOGNITION OF CHIEF OF POLICE RALPH MENDOZA'S OUTSTANDING SERVICE AND DEDICATION TO THE CITY OF FORT WORTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth Chief of Police Ralph Mendoza. After more than 35 years with the Fort Worth Police Department, and almost eight years as the top cop, Ralph Mendoza will retire in February 2008.

During Mendoza's tenure, the city of Fort Worth saw reductions in crime and advances in technology. Serving as the first Hispanic Police Chief of Fort Worth, Mendoza is praised by other city officials, calling him an "outstanding chief" and applauding his efforts as Police Chief that led to a reduction in the crime rate for the city.

Additionally, others go on to say that Fort Worth "is indeed a better place" because of Mendoza's efforts, which helped to make the city the ninth-safest in the country.

Mendoza began his career with the Fort Worth Police Department in 1972 as part of the now-defunct cadet program. He graduated from the police academy in 1974 and later became the department's first Hispanic lieutenant, deputy chief and chief. He was appointed acting chief in August 1999, and was named Police Chief in January 2000.

I am sure the decision to retire was not an easy one for Chief Mendoza. I join his colleagues in wishing him all the best as he looks forward to spending more time with his wife, children and grandchildren.

It is with great honor that I recognize Chief Ralph Mendoza for his decades of hard work and selfless dedication given to the citizens of Fort Worth, Texas. I am proud to represent him in Washington, and his service will set a standard of devotion and true leadership, one that will never be forgotten.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of New Mexico. Mr. Speaker, the continuing tragic situation in Darfur is an attack on humanity and I believe that Congress, that the President, that the international community, and everyone concerned about their fellow men and women has a responsibility to work toward ending this genocide.

Local and State governments around this Nation are expressing their outrage over the ongoing genocide, as they should be. S. 2271 encourages these actions by allowing these governments to divest from companies that continue their financial ties with Sudan. As we support these communities as they take a stand, it is vital that the Federal Government do so as well. S. 2271 provides this support by barring Federal contracts with companies doing business with the Sudanese government.

Mr. Speaker, the United States must continue to play leadership role in protecting the civilians in Darfur and working towards a peaceful resolution to the ongoing conflict. Too many lives have already been lost and this situation will continue to worsen unless we fulfill our commitment by supporting and strengthening the international mission in Darfur.

CONGRATULATING THE CHAZY EAGLES AND LYME INDIANS 2007 NEW YORK STATE GIRLS SOCCER CLASS D CO-CHAMPIONS

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. McHUGH. Madam Speaker, I rise today to extend my congratulations to the Chazy Central Rural School District's Eagles and the Lyme Central School District's Indians upon sharing the 2007 New York State Class D Girls Soccer Championship. This was the first State girls soccer championship in school history for both schools, which are located in my Upstate New York Congressional District.

On November 17, 2007, Chazy and Lyme became the New York State Class D Co-Champions when they played each other to a 0–0 tie after two overtime periods and 110 minutes. In the game, Lyme goalkeeper Alex Weston, who was named the tournament's outstanding goalkeeper, made 12 saves while Chazy's K.C. Olds set a State record with her 20th shutout of the season. Olds, who tied the Section VII career record with 37½ shutouts, was also a Third Team All-State selection.

The Chazy Eagles finished their season at 23–1–1 under the tutelage of Coach Joe Dumoulin, who was named Class D Coach of the Year. Other members of the team included assistant coaches Saania Duprey, Karissa House, and Cory Thompson and players Brigid Daul, a two-time Third Team All-State selection; Liz Favreau; Jessica Garrant; Co-Captain Brittany Godreau; Heather Guay; Co-Captain Madelaine Guay, a two-time First Team All-Conference selection and a First Team All-State selection; Astrid Kempainen; Caitlyn Lapier; Devin Latremore; Jennifer Lavigne; Co-Captain Samantha Lavigne; Ali Mitchell; Megan Ryan; Victoria Reynolds, a Second Team All-State selection; Morgan Roussy; Marie Trombly; Shauni Trombly; and Gabby Weeden.

The Lyme Indians finished the season 22–1–1 under Coach Mary Guyette, who is set to retire after 20 years of coaching. Other members of the team included assistant coaches Ashley Barbour and Kristin Robbins; and players Jennifer Augustus; Morgan Bocciolatt; Meredith Borden; Jessica Brown; Tiffany Brown; Katrena Lane; Rachel Matraw; Jasmine Noll; Hilary Rust, a Second Team All North selection; Olivia Speno, a Second Team All North selection; Brittany Sharlow; Cortney Strasser; and Tiffany Wright. Of note, Nikkia Raso and Terra Towne were named CoMost Valuable Players of the Frontier League. In addition, Raso, a First Team All-State selection, was named Class D girls soccer Player of the Year by the New York State Sportswriters and Coaches Organization while Towne was named Second Team All-State.

Madam Speaker, I am honored to represent the Chazy Eagles and the Lyme Indians girls soccer teams. Accordingly, I now ask my colleagues to join me in commending them for their hard work and accomplishments.

IN RECOGNITION OF THE CLEVELAND CHAPTER OF THE KNIGHTS OF RIZAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Cleveland Chapter of the Knights of Rizal, and to celebrate their contributions in service to the Filipino community of Cleveland.

The Knights of Rizal are named after Dr. Jose Protacio Rizal, martyred in 1896 in the midst of the fight for Filipino independence from Spain. Dr. Rizal was an inspiration to a whole country and to celebrate his contributions to the fight for independence for the Philippines.

The Cleveland Chapter of the Knights of Rizal was founded fifteen years ago and has served the Filipino community with dedication and distinction.

Madam Speaker and colleagues, please join me in recognizing the Cleveland chapter of the Knights of Rizal. I commend the Knights of Rizal for their commitment to the Filipino community and the greater community of Cleveland.

ON THE PASSING OF LOUIS JORDAN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I respectfully pause today with a heavy heart as I share with my colleagues the sad news of the passing of my good friend Attorney Louis Jordan who was a native of Warren County, NC and lived in Goldsboro, NC. Louis slipped away from us last night leaving his wife Nancy James Jordan and their two adult children, Kevin and Kelly.

A good number of years ago, both Louis and I attended North Carolina Central University. It was there that we became roommates and subsequently grew to be very close friends. After graduation, I returned to my hometown of Wilson and Louis settled in Goldsboro. For more than 35 years, Louis provided a tremendous service to the Wayne County community through his community-oriented practice of law.

Madam Speaker, with many years between us and our law school days, our paths once again crossed. I was a sitting Superior Court Judge and Louis was a practicing attorney who argued many cases before me. He was never one to shy away from a fight and was equipped to slay any legal giant. Louis represented his clients well.

Louis later became an ordained minister and through his ministry exhibited his true dedication, commitment and loyalty to his community. He was a great mentor to the youth of the community and contributed great counsel and leadership to the City of Goldsboro's Board of Education and the Goldsboro public schools.

Madam Speaker, I ask my colleagues to join me in honoring Attorney Louis Jordan. The City of Goldsboro, the State of North Carolina and the United States of America have suffered a great loss.

IN HONOR OF THE VETERANS MEMORIAL SENIOR CENTER IN REDWOOD CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LANTOS. Madam Speaker, I rise today to share news about a remarkable organization serving many of the constituents in my home district. The Veterans Memorial Senior Center in Redwood City recently celebrated its recognition as the first—and only—accredited senior center in San Mateo County, the third in California and just the 148th of the 15,000 senior centers in the United States. The senior center's accreditation status is bestowed by the National Institute of Senior Centers (NISC), a unit of the National Council on the Aging.

Accreditation is the official recognition that a senior center is meeting its mission in a nationally accepted professional fashion. It is based on compliance with nine standards of senior center operations developed by NISC. Accreditation is unique to the senior center field and demonstrates outstanding leadership and commitment to high quality programs and services to older adults.

Madam Speaker, the Veterans Memorial Senior Center is to be commended for its vision, collaborative relationships, volunteer programs, outreach programs, wide range of health and fitness programs, plus support services. Its mission is to provide inclusive programs that enhance the body, mind and spirit focusing on health and wellness through a variety of social events, expressive arts, nutrition, fitness, educational, and recreational classes; plus social services support. And it does this very well.

On December 1, 2007, the Center celebrated its 25th Anniversary with a gala event featuring a theme of "Honoring Our Legacy and Looking Into Our Future." I rise today to recognize them on achieving this milestone, and to thank them on behalf of a grateful nation for all the good they do.

Madam Speaker, on behalf of my constituents and the House, I thank the Veterans Memorial Senior Center on Madison Avenue in Redwood City for its 25 years of service and note the exemplary work that Linda M. Griffith, its director, has done to achieve this prestigious accreditation.

TRIBUTE TO ALEXANDER MARTIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Martin, son of

Bob Martin and Kelly Martin of Kearney, Missouri. Alexander 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 374, and by earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the years Alexander has been involved with scouting, he has earned 28 merit badges and held numerous leadership positions including assistant patrol leader, patrol leader, scribe, and assistant senior patrol leader. Alexander was also a past member of the Tribe of Mic-O-Say and earned his Brotherhood in Order of the Arrow.

For his Eagle Scout project, Alexander demonstrated his ability to effectively lead and organize by putting all that he learned into constructing a storage basement for his church rectory in Liberty, Missouri, with the help of his scout and adult helpers. Alexander spent more than 140 hours of diligently planning, designing, and installing two storage units in order to maintain supplies for important committees and organizations within the church.

Madam Speaker, I proudly ask you to join me in commending Alexander Martin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SCOTT SPERLING ON HIS 50TH BIRTHDAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. EMANUEL. Madam Speaker, I rise today to extend my warmest congratulations to Mr. Scott Sperling on the occasion of his fiftieth birthday. Scott is a man known for his intellect and business acumen, and I am fortunate to call him a friend.

Scott is currently Co-President of Thomas H. Lee Partners and Trustee and General Partner of various THL Equity Funds and is also President of TH Lee Putnam Capital. Additionally, he keeps busy as Director of Hawkeye Holdings, Thermo Fisher Corp., Univision Communications, Inc., Warner Music Group, and several private companies.

In addition to his business commitments and accomplishments, Scott is also a director of several charitable organizations including the Brigham & Women's / Faulkner Hospital Group, The Citi Center for Performing Arts and Wang Theater and Harvard Business School's Rock Center for Entrepreneurship.

Scott started on his illustrious career path after earning a B.S. from Purdue University and an MBA degree from Harvard University.

Scott and his wife Laurene have four children, Michael, Jenny, Zach, and Melanie. It seems as if each Sperling is more intelligent than the next, and much of the credit for that should probably go to Laurene.

Madam Speaker, it is a pleasure to wish a happy 50th birthday to my dear friend, Scott Sperling.

INTRODUCTION OF FOUNTAIN CREEK WATERSHED FEASIBILITY STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, today with my Colorado colleague, Representative JOHN SALAZAR, I am introducing a bill to authorize a feasibility study regarding a multipurpose project in the Fountain Creek watershed in Colorado. The bIll is in the House companion to a similar bill, S. 2384, the Fountam Creek Feasibility Study Act, introduced by Senator Ken SALAZAR.

As Coloradans know, Fountain Creek is a major tributary to the Arkansas River. Its watershed, which encompasses some 927 square miles, supports a wide variety of plants and wildlife and directly affects many residents of our state—in fact, according to the 2000 census, more than 500,000 people live in the watershed's boundaries. But the effect of Fountain Creek's flows extends beyond the watershed's boundaries. Water from the watershed serves municipal, industrial and agricultural uses. Creeks within the watershed contribute about 15 percent of the—drinking water for Colorado Springs and are a source of irrigation for over 100 farms and ranches. The fertile farmland there produces wheat, com, hay, oats, and vegetable crops; there are also many working livestock ranches along Fountain Creek. But the watershed has its problems, and in recent years, issues related to Fountain Creek have tended to divide local residents who otherwise would be united by its ability to serve as an important link for commerce and recreation.

Decades of neglect, increased waterflows resulting from urban development in the northern part of the watershed, increased stormwater discharges, and sewage spills have all contributed to the problems and the controversies. The watershed is subject to frequent flood damage, erosion, and sedimentation. In 1999 a major flood caused millions of dollars of damage to public and private property, and destroyed the foundations of numerous homes and roads. Indeed, earlier this year there was minor flooding from the Fountain in the Pueblo area. Farmers and ranchers near the downstream end of the watershed in particular have suffered substantial losses of productive farmland. Degradation of the water quality and thus aquatic and wetland habitats is accelerating due to wastewater spills, loss of natural vegetation, and high water volume. Simply put, Fountain Creek watershed's ecological conditions are unstable and under constant threat.

Senator SALAZAR'S bill, and this House companion to it, aim at laying a foundation stone for the work of restoring Fountain Creek and turning the corridor between Colorado Springs and Pueblo into an environmental, agricultural, and recreational "crown jewel" for Colorado. Under the legislation, the Army Corps of Engineers would be required to conduct a study of the feasibility of constructing one or more dams and reservoirs to provide more reliable flood and sediment control, to conserve fish and wildlife and preserve their ecosystem, and to improve the water quality throughout the watershed. The Corps' expertise and experience will be critical to determining the options for restoring the health and stability of the Fountain Creek watershed.

The idea of such a multipurpose project on the Fountain is not new. It was first proposed in 1970 by the U.S. Army Corps of Engineers after the 1965 flood that inundated communities along the Fountain Creek, including particularly the city of Pueblo. The proposal was supported by the States of Colorado and Kansas and local officials, and was even the preferred option of the Army Corps for addressing flooding in the Fountain. Like Senator SALAZAR, I think a similar proposal should be evaluated again, in light of changed conditions and increased flows in Fountain Creek resulting from urban development in the Colorado Springs metro area.

Senator SALAZAR has laid out a vision to revitalize Fountain Creek and connect the communities along its bank in a regional project. The feasibility study called for in S. 2384 and this House companion would be an essential first step. I agree with Senator SALAZAR on the desirability of taking that step, and the bill I am introducing today is intended to assist in making it happen.

IN HONOR OF MIKE LIPSKI

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, as we begin to wrap up this year's work in Congress, I wish to recognize a valued Mississippian who recently left my staff to pursue opportunities in the private sector back home in Mississippi. Mike Lipski served as my military legislative assistant and special projects director, and later, as my Legislative Director here in Washington, DC. Mike's heart has always been with his home on the Mississippi gulf coast; now he has returned there and taken a position as director of sector administration at Northrop Grumman. Mike's service to Mississippi and our country spans a lifetime of hard work.

Mike's two-decade service in the Navy stretches from his time as a surface warfare officer on the USS *Oliver Hazard Perry* to service as a Navy Civil Engineer Corps officer, including time at the Pentagon on the staff of the Chief of Naval Operations. He brought to my office experience as executive officer of Navy's Engineering Field Activity Southeast in Jacksonville, Florida, as well as a stint as a Navy Legislative Fellow serving on Senator TRENT LOTT's National Security staff.

On my staff, Mike utilized, promoted, increased, and protected the defense community's value, not only for security, but also as an engine of the economy. He demonstrated his commitment to the needs of our war fighters—past, current, and future—with his work on veterans legislation; support and funding for our troops in Iraq, Afghanistan, and around the world; and preparation and planning for military training and base infrastructure around Mississippi and specifically at Meridian's Naval Air Station and our National Guard facilities. He served as the point person in my office during the most recent round of BRAC, base realignment and closure. He coordinated statewide efforts of military and community

leaders to effectively communicate the national mission value of our bases and defend them in the face of downsizing and cuts.

In my office, Mike provided calm and reasoned counsel and was a trusted advisor and effective implementer of my legislative agenda and appropriation priorities. He successfully worked with economic development interests to bring new and better jobs to Mississippi and implement strategic community development plans at our universities and industrial clusters. He has a strong vision for our State and creative ideas to reach those goals.

Hurricane Katrina presented unique challenges to all levels of leadership in Mississippi, from alderman to Congressman; from mayor to Governor. As we coordinated emergency response efforts on all levels of government, Mike Lipski served as my liaison to MEMA, Mississippi Emergency Management Agency, and slept on a cot at their headquarters for several days, when he wasn't on the coast with a satellite phone making immediate needs assessments and providing logistical coordination and advice. Mike traded his cot and sat-phone for a tie and clipboard and returned to Washington where he worked closely with me in developing and implementing Katrina reform measures: Federal contracting reform, housing and infrastructure policy, Federal relief and emergency recovery funding. His knowledge and experience with the Corps of Engineers provided a unique resource both during reform and in oversight as committees investigated the Government response to Hurricane Katrina.

Mike's wife, the former Jill Daria Wiltzius, has stood by him throughout his military career and his public service in my office. His transfers around the world have provided them both amazing international experiences but now Mike has convinced his Wisconsin girl to settle in Mississippi. Our State is a better place with the two of them as strong and honorable citizens. Jill is an outstanding educator and hopes to pursue her Ph.D. now that they are settled in Mississippi. I know Mike's family in Long Beach is very proud of him and his successful career is a tribute to his parents: John and Eleanor.

Now Mike will have time to sail, canoe, fly fish, and indulge his outdoor passions, but I have no doubt he will be integral in rebuilding and leading the coast to a full recovery.

Mike Lipski left a formative mark on the shape and operation of my office. We will miss his good nature, warm friendship, determined work ethic, and dry humor. I am proud of his service and the positive difference he has made for our State and the country. I am grateful to call him my friend. I thank him for his service to this office and to Mississippi and wish him the best of fortune in his new endeavors.

RECOGNIZING DEE CORK AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Dee Cork for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

Working along with Mr. Monty Slough, Mr. Cork identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Cork began building a granite tiled memorial to Denton County soldiers, sailors, airmen and marines who died in service in Iraq or Afghanistan.

Mr. Cork has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Dee said, "It would be nice to see no one else on it, one is too many."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Dee Cork for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to have the opportunity to recognize him today.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENTS TO H.R. 3997, HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of New Mexico. Mr. Speaker, the Heroes Earnings and Assistance and Relief Tax (HEART) Act of 2007 is an important piece of legislation that goes a long way toward helping the financial difficulties faced by American soldiers. This bill helps honor those who are serving so bravely during this time of war.

The HEART Act would make permanent the inclusion of combat pay as earned income, ensuring that soldiers' families receive much needed tax relief. It also would help thousands of veterans and their families to become homeowners through low-interest home loans, would support those small business employers who continue to pay National Guardsmen and Reservists when they are called to serve, and expands other tax credit and tax relief provisions to help ease any financial difficulties faced by these soldiers.

Those who answer the call of duty should be rewarded for their actions by being assured they will not be unduly and negatively affected due to their patriotism. I support this legislation and join the many veterans' organizations in encouraging its passage into law.

CONGRATULATING THE CHAZY EAGLES UPON WINNING THE 2007 NEW YORK STATE BOYS SOCCER CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Chazy Central Rural School District Eagles upon winning the 2007 New York State Boys Soccer Class D Championship. Of note, this was the third state boys soccer championship in the last four years for Chazy, which is located in my upstate New York congressional district.

On November 18, 2007, the Eagles won the New York State Class D Championship when they defeated the Poland Tornadoes by a score of 1–0. In that game, Stetson Fields scored late in the second half after taking a pass from Co-Captain Jason Baker. Chazy, with a 14–2 shot advantage that pressured the Tornadoes' defense all game long, was then able to preserve their lead, with goalkeeper Jacob Beeman recording the shutout.

The Eagles completed the 2007 season with a record of 24–1–0 and with team Co-Captain Nolan Ryan as the holder of the state record for career goals; in his career, Ryan scored 173 goals, 59 assists, and 405 points. The Chazy Eagles were coached by Rob McAuliffe and assistant coaches Ian Brassard and Matt Devins; Brian Norcross is the Athletic Director. Other team members were scorekeeper Lindsey Seymour and players, Ben Baker, Jordan Barriere, Kenny Bulriss, Tyler Bulriss, Jonah Curtin, Tyson Duprey, Brad Hansen, Shea Howley, Steven LaBombard, Co-Captain Kyle LaFountain, Andrew LaPierre, Perry Latremore, Eric Martin, Nathan Racine, Kyle Reynolds, Kaleb Snide, Gaelan Trombley, and Chris Vliege. Madam Speaker, it is an honor to have the opportunity to recognize them for their significant accomplishment.

IN RECOGNITION OF DAN CICORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Dan Cicora, and to celebrate his service to the veterans of Cuyahoga County.

Dan began his service to our country in 1969. As a soldier in the United States Army, Dan served in Vietnam with the 2nd Battalion, 32nd Artillery. Dan graduated cum laude from Ohio University in 1975, and in 1979 began his work with the Veterans Administration as a benefits counselor. Dan's extraordinary dedication to veterans and his sincere desire to serve our community has marked every position he has held with the VA, and he has won numerous accolades for his efforts. In May 1983 Dan received the VA Central Office Public Service Award, he has received five suggestion awards, and twenty-three awards for performance, quality and contribution.

Since 2003 Dan has served as the Congressional Liaison for the VA Cleveland office. In this capacity Dan has helped my office

serve literally hundreds of veterans; he has been an invaluable asset to my office. I, as well as hundreds of Cleveland's veterans and their families, are indebted to Dan for his professionalism, compassion, and dedication.

Madam Speaker and colleagues, please join me in honoring Dan Cicora, on the occasion of his retirement, for over twenty-eight years of service to the veterans of Cuyahoga County. I wish him only the best as he begins to write a new and exciting chapter in his life. May others in our community draw inspiration from his example.

A TRIBUTE TO MRS. BELLA RUSSELL

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to pay tribute to one of America's most deserving citizens, Mrs. Bella Russell who will be celebrating her 100th birthday on January 1, 2008. Mrs. Russell resides in Warren County within my Congressional District and is the grandmother of our friend and colleague, Congressman ALBERT RUSSELL WYNN.

Although Mrs. Russell was born in the County of Warren, she moved to Camden, NJ as a young child where she attended the public schools. In later years, Mrs. Russell married John Wesley Russell and through this marriage, three children were born. She is now the matriarch of this wonderful family with 15 grandchildren, 19 great-grandchildren, and 7 great-great grandchildren.

From the State of New Jersey, the family relocated to North Carolina where they acquired a 200-acre farm. While Mr. Russell operated the farm, Mrs. Russell dedicated much of her time as a homemaker and occasionally assisted on the farm. She was also very actively engaged in her community and served as 4–H Club Leader for more than 10 years.

Madam Speaker, Mrs. Russell has dedicated 70-faithful years of her life as a member of Russell Union RZUA Church. She has served as Church Mother for 50 years and took great pride in organizing church clubs and groups.

Madam Speaker, over her lifetime, Mrs. Russell has lived through some of the most significant historical periods of our time. Like so many of the great historical monuments she has stood the test of time and has survived Reconstruction; lynching; World War I; the Great Depression; World War II; the period of segregation; the Civil Rights Movement; Voting Rights Movement; School Desegregation and other momentous times. She is indeed a walking history reference and we take great pride in recognizing her for being blessed with such longevity.

I ask my colleagues to join me in paying tribute to Mrs. Bella Russell, a most deserving American.

COMMENDING THE STATEMENT OF VICE PRESIDENT AL GORE AT HIS ACCEPTANCE OF THE NOBEL PEACE PRIZE IN OSLO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LANTOS. Madam Speaker, last October, the 2007 Nobel Peace Prize was bestowed on a man who has dedicated his life to making this planet a more livable place for all of us and future generations. Vice President Al Gore has steadfastly served the people of the United States and the citizens of the world in his life's work, and I commend him for his leadership, foresight, and dedication in addressing the crisis of climate change.

For our part, and under the visionary leadership of Speaker Nancy Pelosi, Congress has taken a serious, groundbreaking step towards reducing our country's dangerous dependence on foreign oil by passing the Energy Independence and Security Act, which today became law. I am proud to have authored the international provisions, and could not be more proud of my colleagues for supporting a forward-looking piece of legislation that meets the tremendous challenge of combating climate change head-on. At long last, we are making a meaningful investment in new technologies that will yield clean, renewable energy.

Vice President Gore's Nobel acceptance speech last week in Oslo, Norway epitomizes the way in which he has been able to lead by example on this crucial topic. His words of truth and clarion call to action inspire us all to take care of this Earth we call home, and I am honored to enter his eloquent speech into the CONGRESSIONAL RECORD.

Al Gore. Your Majesties, Your Royal Highnesses, Honorable members of the Norwegian Nobel Committee, Excellencies, ladies and gentlemen.

I Have a purpose here today. It is a purpose I have tried to serve for many years. I have prayed that God would show me a way to accomplish it.

Sometimes, without warning, the future knocks on our door with a precious and painful vision of what might be. One hundred and nineteen years ago, a wealthy inventor read his own obituary, mistakenly published years before his death. Wrongly believing the inventor had just died, a newspaper printed a harsh judgment of his life's work, unfairly labeling him ''the Merchant of Death'' because of his invention—dynamite. Shaken by this condemnation, the inventor made a fateful choice to serve the cause of peace.

Seven years later, Alfred Nobel created this prize and the others that bear his name.

Seven years ago tomorrow, I read my own political obituary in a judgment that seemed to me harsh and mistaken—if not premature. But that unwelcome verdict also brought a precious if painful gift: an opportunity to search for fresh new ways to serve my purpose.

Unexpectedly, that quest has brought me here. Even though I fear my words cannot match this moment, I pray what I am feeling in my heart will be communicated clearly enough that those who hear me will say, ''We must act.''

The distinguished scientists with whom it is the greatest honor of my life to share this award have laid before us a choice between two different futures—a choice that to my ears echoes the words of an ancient prophet: ''Life or death, blessings or curses. Therefore, choose life, that both thou and thy seed may live.''

We, the human species, are confronting a planetary emergency—a threat to the survival of our civilization that is gathering ominous and destructive potential even as we gather here. But there is hopeful news as well: we have the ability to solve this crisis and avoid the worst—though not all—of its consequences, if we act boldly, decisively and quickly.

However, despite a growing number of honorable exceptions, too many of the world's leaders are still best described in the words Winston Churchill applied to those who ignored Adolf Hitler's threat: ''They go on in strange paradox, decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful to be impotent.''

So today, we dumped another 70 million tons of global-warming pollution into the thin shell of atmosphere surrounding our planet, as if it were an open sewer. And tomorrow, we will dump a slightly larger amount, with the cumulative concentrations now trapping more and more heat from the sun.

As a result, the earth has a fever. And the fever is rising. The experts have told us it is not a passing affliction that will heal by itself. We asked for a second opinion. And a third. And a fourth. And the consistent conclusion, restated with increasing alarm, is that something basic is wrong.

We are what is wrong, and we must make it right.

Last September 21, as the Northern Hemisphere tilted away from the sun, scientists reported with unprecedented distress that the North Polar ice cap is ''falling off a cliff.'' One study estimated that it could be completely gone during summer in less than 22 years. Another new study, to be presented by U.S. Navy researchers later this week, warns it could happen in as little as 7 years.

Seven years from now.

In the last few months, it has been harder and harder to misinterpret the signs that our world is spinning out of kilter. Major cities in North and South America, Asia and Australia are nearly out of water due to massive droughts and melting glaciers. Desperate farmers are losing their livelihoods. Peoples in the frozen Arctic and on low-lying Pacific islands are planning evacuations of places they have long called home. Unprecedented wildfires have forced a half million people from their homes in one country and caused a national emergency that almost brought down the government in another. Climate refugees have migrated into areas already inhabited by people with different cultures, religions, and traditions, increasing the potential for conflict. Stronger storms in the Pacific and Atlantic have threatened whole cities. Millions have been displaced by massive flooding in South Asia, Mexico, and 18 countries in Africa. As temperature extremes have increased, tens of thousands have lost their lives. We are recklessly burning and clearing our forests and driving more and more species into extinction. The very web of life on which we depend is being ripped and frayed.

We never intended to cause all this destruction, just as Alfred Nobel never intended that dynamite be used for waging war. He had hoped his invention would promote human progress. We shared that same worthy goal when we began burning massive quantities of coal, then oil and methane.

Even in Nobel's time, there were a few warnings of the likely consequences. One of the very first winners of the Prize in chemistry worried that, ''We are evaporating our

coal mines into the air.'' After performing 10,000 equations by hand, Svante Arrhenius calculated that the earth's average temperature would increase by many degrees if we doubled the amount of CO2 in the atmosphere.

Seventy years later, my teacher, Roger Revelle, and his colleague, Dave Keeling, began to precisely document the increasing CO2 levels day by day.

But unlike most other forms of pollution, CO2 is invisible, tasteless, and odorless—which has helped keep the truth about what it is doing to our climate out of sight and out of mind. Moreover, the catastrophe now threatening us is unprecedented—and we often confuse the unprecedented with the improbable.

We also find it hard to imagine making the massive changes that are now necessary to solve the crisis. And when large truths are genuinely inconvenient, whole societies can, at least for a time, ignore them. Yet as George Orwell reminds us: ''Sooner or later a false belief bumps up against solid reality, usually on a battlefield.''

In the years since this prize was first awarded, the entire relationship between humankind and the earth has been radically transformed. And still, we have remained largely oblivious to the impact of our cumulative actions.

Indeed, without realizing it, we have begun to wage war on the earth itself. Now, we and the earth's climate are locked in a relationship familiar to war planners: ''Mutually assured destruction.''

More than two decades ago, scientists calculated that nuclear war could throw so much debris and smoke into the air that it would block life-giving sunlight from our atmosphere, causing a ''nuclear winter.'' Their eloquent warnings here in Oslo helped galvanize the world's resolve to halt the nuclear arms race.

Now science is warning us that if we do not quickly reduce the global warming pollution that is trapping so much of the heat our planet normally radiates back out of the atmosphere, we are in danger of creating a permanent ''carbon summer.''

As the American poet Robert Frost wrote, ''Some say the world will end in fire; some say in ice.'' Either, he notes, ''would suffice.''

But neither need be our fate. It is time to make peace with the planet.

We must quickly mobilize our civilization with the urgency and resolve that has previously been seen only when nations mobilized for war. These prior struggles for survival were won when leaders found words at the 11th hour that released a mighty surge of courage, hope and readiness to sacrifice for a protracted and mortal challenge.

These were not comforting and misleading assurances that the threat was not real or imminent; that it would affect others but not ourselves; that ordinary life might be lived even in the presence of extraordinary threat; that Providence could be trusted to do for us what we would not do for ourselves.

No, these were calls to come to the defense of the common future. They were calls upon the courage, generosity and strength of entire peoples, citizens of every class and condition who were ready to stand against the threat once asked to do so. Our enemies in those times calculated that free people would not rise to the challenge; they were, of course, catastrophically wrong.

Now comes the threat of climate crisis—a threat that is real, rising, imminent, and universal. Once again, it is the 11th hour. The penalties for ignoring this challenge are immense and growing, and at some near point would be unsustainable and unrecoverable. For now we still have the power to choose our fate, and the remaining question is only this: Have we the will to act vigorously and in time, or will we remain imprisoned by a dangerous illusion?

Mahatma Gandhi awakened the largest democracy on earth and forged a shared resolve with what he called ''Satyagraha''—or ''truth force.''

In every land, the truth—once known—has the power to set us free.

Truth also has the power to unite us and bridge the distance between ''me'' and ''we,'' creating the basis for common effort and shared responsibility.

There is an African proverb that says, ''If you want to go quickly, go alone. If you want to go far, go together.'' We need to go far, quickly.

We must abandon the conceit that individual, isolated, private actions are the answer. They can and do help. But they will not take us far enough without collective action. At the same time, we must ensure that in mobilizing globally, we do not invite the establishment of ideological conformity and a new lock-step ''ism.''

That means adopting principles, values, laws, and treaties that release creativity and initiative at every level of society in multifold responses originating concurrently and spontaneously.

This new consciousness requires expanding the possibilities inherent in all humanity. The innovators who will devise a new way to harness the sun's energy for pennies or invent an engine that's carbon negative may live in Lagos or Mumbai or Montevideo. We must ensure that entrepreneurs and inventors everywhere on the globe have the chance to change the world.

When we unite for a moral purpose that is manifestly good and true, the spiritual energy unleashed can transform us. The generation that defeated fascism throughout the world in the 1940s found, in rising to meet their awesome challenge, that they had gained the moral authority and long-term vision to launch the Marshall Plan, the United Nations, and a new level of global cooperation and foresight that unified Europe and facilitated the emergence of democracy and prosperity in Germany, Japan, Italy and much of the world. One of their visionary leaders said, ''It is time we steered by the stars and not by the lights of every passing ship.''

In the last year of that war, you gave the Peace Prize to a man from my hometown of 2000 people, Carthage, Tennessee. Cordell Hull was described by Franklin Roosevelt as the ''Father of the United Nations.'' He was an inspiration and hero to my own father, who followed Hull in the Congress and the U.S. Senate and in his commitment to world peace and global cooperation.

My parents spoke often of Hull, always in tones of reverence and admiration. Eight weeks ago, when you announced this prize, the deepest emotion I felt was when I saw the headline in my hometown paper that simply noted I had won the same prize that Cordell Hull had won. In that moment, I knew what my father and mother would have felt were they alive.

Just as Hull's generation found moral authority in rising to solve the world crisis caused by fascism, so too can we find our greatest opportunity in rising to solve the climate crisis. In the Kanji characters used in both Chinese and Japanese, ''crisis'' is written with two symbols, the first meaning ''danger,'' the second ''opportunity.'' By facing and removing the danger of the climate crisis, we have the opportunity to gain the moral authority and vision to vastly increase our own capacity to solve other crises that have been too long ignored.

We must understand the connections between the climate crisis and the afflictions of poverty, hunger, HIV-AIDS and other pandemics. As these problems are linked, so too must be their solutions. We must begin by making the common rescue of the global environment the central organizing principle of the world community.

Fifteen years ago, I made that case at the ''Earth Summit'' in Rio de Janeiro. Ten years ago, I presented it in Kyoto. This week, I will urge the delegates in Bali to adopt a bold mandate for a treaty that establishes a universal global cap on emissions and uses the market in emissions trading to efficiently allocate resources to the most effective opportunities for speedy reductions.

This treaty should be ratified and brought into effect everywhere in the world by the beginning of 2010—two years sooner than presently contemplated. The pace of our response must be accelerated to match the accelerating pace of the crisis itself.

Heads of state should meet early next year to review what was accomplished in Bali and take personal responsibility for addressing this crisis. It is not unreasonable to ask, given the gravity of our circumstances, that these heads of state meet every three months until the treaty is completed.

We also need a moratorium on the construction of any new generating facility that burns coal without the capacity to safely trap and store carbon dioxide.

And most important of all, we need to put a price on carbon—with a CO2 tax that is then rebated back to the people, progressively, according to the laws of each nation, in ways that shift the burden of taxation from employment to pollution. This is by far the most effective and simplest way to accelerate solutions to this crisis.

The world needs an alliance—especially of those nations that weigh heaviest in the scales where earth is in the balance. I salute Europe and Japan for the steps they've taken in recent years to meet the challenge, and the new government in Australia, which has made solving the climate crisis its first priority.

But the outcome will be decisively influenced by two nations that are now failing to do enough: the United States and China. While India is also growing fast in importance, it should be absolutely clear that it is the two largest CO2 emitters—most of all, my own country—that will need to make the boldest moves, or stand accountable before history for their failure to act.

Both countries should stop using the other's behavior as an excuse for stalemate and instead develop an agenda for mutual survival in a shared global environment.

These are the last few years of decision, but they can be the first years of a bright and hopeful future if we do what we must. No one should believe a solution will be found without effort, without cost, without change. Let us acknowledge that if we wish to redeem squandered time and speak again with moral authority, then these are the hard truths:

The way ahead is difficult. The outer boundary of what we currently believe is feasible is still far short of what we actually must do. Moreover, between here and there, across the unknown, falls the shadow.

That is just another way of saying that we have to expand the boundaries of what is possible. In the words of the Spanish poet, Antonio Machado, ''Pathwalker, there is no path. You must make the path as you walk.''

We are standing at the most fateful fork in that path. So I want to end as I began, with a vision of two futures—each a palpable possibility—and with a prayer that we will see with vivid clarity the necessity of choosing between those two futures, and the urgency of making the right choice now.

The great Norwegian playwright, Henrik Ibsen, wrote, ''One of these days, the younger generation will come knocking at my door.''

The future is knocking at our door right now. Make no mistake, the next generation will ask us one of two questions. Either they will ask: ''What were you thinking; why didn't you act?''

Or they will ask instead: ''How did you find the moral courage to rise and successfully resolve a crisis that so many said was impossible to solve?''

We have everything we need to get started, save perhaps political will, but political will is a renewable resource.

So let us renew it, and say together: ''We have a purpose. We are many. For this purpose we will rise, and we will act.''

TRIBUTE TO JOSEPH MICHAEL HERMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph M. Herman 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 and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph 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 Joseph Michael Herman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE TEACHERS OF THE ILLINOIS' FIFTH CONGRESSIONAL DISTRICT WHO RECEIVED NATIONAL BOARD CERTIFICATION IN 2007

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize sixty eight distinguished teachers from Illinois' Fifth Congressional District who have been honored with National Board Certification by the National Board for Professional Teaching Standards.

National Board Certification is the highest level of certification in the teaching profession, and these teachers have earned this distinction through their service, commitment, and excellence in teaching.

Those who are honored with this award are widely considered to be at the peak of their profession, providing countless opportunities for children to learn and excel. National Board Certified teachers are also statistically proven to increase financial opportunities within their districts, strengthen the teaching practice, and improve student learning.

Applicants for this award may spend up to three years proving themselves, while undergoing peer reviews by 12 separate teachers, passing competency and skill testing within his or her individual specialty, and demonstrating educational outreach beyond the walls of the classroom.

Teachers everywhere play a critical role in our children's lives, and these sixty-eight individuals have exemplified that spirit and motivation, guiding students with patience, compassion, concern, and most of all, dedication to their profession.

Madam Speaker, I am proud tp honor these distinguished educators on their award of National Board Certification. I have no doubt that their efforts have had a tremendous impact on countless children throughout the Chicago-area, and that they will continue their profound effect for years to come.

I wish to congratulate:

Cynthia Ahn of O.A. Thorp Elementary Scholastic Academy; Cynthia Anderson of Highcrest Middle School; Wendy Anderson of Audubon Elementary School; Rolando Argumedo of Nobel Elementary School; Anita Aysola of Walter Payton College Preparatory High School; Rosemary Barilla of Sauganash Elementary School; Pamela Barreda of McPherson Elementary School; Becky Benkiser of Mitchell Elementary School; Jessica Bezares of Avondale Elementary School; and Patricia Bonness of Vaughn Occupational High School.

Daniel Caldwell of Northside College Preparatory High School; Elizabeth Campe-Montcalm of Sullivan High School; Paul Carrera of Lane Technical High School; Jennifer Catron of Depriest Elementary School; Holly Clark of Roosevelt School; Jennifer Cline; Alan Demski of Taft High School; Adlin Dominguez of Roque De Duprey Elementary School; Edward Dziedzic of Whitney M. Young Magnet High School; and Catalina Fernandez of Vaughn Occupational High School.

Laura Floyd of Mayer Elementary School; Anna Franczyk; Tiffany Frayer of Moos Elementary School; Mary Galligan of O.A. Thorp Elementary Scholastic Academy; Christopher Gamble of Whitney M. Young Magnet High School; Valerie Gemskie of Walter Payton College Preparatory High School; Donna Goode of Solomon Elementary School; Laurie Green of Bridge Elementary School; Francese Guerrero Borrull of Roosevelt High School; and Samara Guzman of Newberry Elementary Math & Science Academy.

Deidre Habetler of Dever Elementary School; Arthur Helbig of Casals Elementary School; Patricia Jones of Haugan Elementary School; Sarah Kissell; Renee Kreczmer of Sauganash Elementary School; Phyllis Kuziel-Perri of Hitch Elementary School; Wendy Lambie of Gray Elementary School; Joan Leber of Talcott Elementary School; Carrie Lewin of Donoghue Elementary School; and Martin Lombardo of Foreman High School.

Eileen Luciano of Sumner Elementary Math & Science Community Academy; Erin Luzadder of Palatine High School; Katrin Machaj of Lane Technical High School; Dona Maldonado of Hamline Elementary School; Gladys Maldonado of Haugan Elementary School; Martha Maly of Jenner Elementary Academy of The Arts; Mary Martin of Hawthorne Elementary Scholastic Academy; Tricia Mcgann of Sheridan Elementary Math & Science Academy; James Mcintosh of Roosevelt High School; and Traci Meziere of Central Elementary School.

Michelle Nash of Hammond Elementary School; Jennifer Nelson of New Field Elementary School; James Newman of Taft High School; Thomas O'Brien of Flower Career Academy High School; Marguerite O'Connell of Foreman High School; Alicia Peshel of Mitchell Elementary School; Johonna Pollack of Saucedo Elementary Scholastic Academy; Holly Pruett of O.A. Thorp Elementary Scholastic Academy; Ana Romero of Mckinley Park Elementary School; and Selma Saidane of Kellogg Elementary School.

Richard Sasso of Hinsdale South High School; Julianne Soble of Solomon Elementary School; William Spain of Amundsen High School; Darlene Stone of Donoghue Elementary School; Jennifer Trejo of Taft High School; Patrice Turk; Yoni Vallecillo of Senn High School; and Kristen Wilkens of Best Practice High School.

CONCERNS ABOUT BORDER PATROL ACTIONS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, like many of our colleagues I have seen recent news reports about the use of pepper spray by Border Patrol officers who have been the targets of attacks by people on the other side of our southern border.

I am sure that we all agree that the officers can and should defend themselves, but like others I am concerned about the extent to which use of pepper spray or other chemical agents could have unintended consequences.

In that connection, I think we should carefully consider a recent editorial in the Gazette, a daily newspaper published in Colorado Springs, Colorado.

As the editorial puts it:

The Mexican Consulate has complained, and rightly so. The United States is not at war with Mexico, and it makes sense to maintain friendly relations with our southern neighbor.

Border Patrol officials argued that the agents need to protect themselves, and that the smugglers should be blamed for hiding behind innocent people. Well, there are better ways to protect against criminals than to saturate entire neighborhoods with tear-gas canisters. For starters, the Border Patrol could engage in cooperative efforts with the Tijuana police or the Mexican federal authorities to go after the rock-throwers.

I think that is a suggestion well worth exploring.

For the information of all our colleagues, here is the complete text of the editorial:

[From the Colorado Springs Gazette, Dec. 18, 2007]

BORDER PATROL SHOULD STOP TEAR-GAS ATTACKS

What would Americans think if Mexican officials routinely fired pepper spray and tear gas into California neighborhoods as a way to root out, say, smugglers who were operating from the U.S. side of the border? How would we, as Americans, feel if our houses were damaged, our neighborhoods evacuated and our children endangered because of the aggressive tactics of the Mexican police or military?

Most Americans would no doubt be outraged. American officials would likely demand that Mexico cease and desist from such

behavior. The anger would be perfectly justified.

Mexican officials are not attacking the United States, but U.S. Border Patrol agents are attacking the Colonia Libertad neighborhood of Tijuana. Mexicans have every right to be as angry as we would be if the roles were reversed.

In response to smugglers who are pelting Border Patrol agents in order to create a diversion, the Americans are stepping up their efforts. ''Agents have used pepper spray in the past, but usually aimed directly at the smugglers,'' the Los Angeles Times reported Friday. ''The new tactics, which saturate large areas, have forced dozens of temporary evacuations and sent some residents to hospitals.''

The Mexican Consulate has complained, and rightly so. The United States is not at war with Mexico, and it makes sense to maintain friendly relations with our southern neighbor.

Border Patrol officials argued that the agents need to protect themselves, and that the smugglers should be blamed for hiding behind innocent people. Well, there are better ways to protect against criminals than to saturate entire neighborhoods with tear-gas canisters. For starters, the Border Patrol could engage in cooperative efforts with the Tijuana police or the Mexican federal authorities to go after the rock-throwers.

We understand that the issue of illegal immigration is extremely contentious, but even those advocating tougher U.S. enforcement measures should agree that there need to be limits to the policy. It's hard to make the argument that Mexicans are trampling our sovereignty while we so eagerly trample theirs.

IN HONOR OF MARY MILLS RITCHIE

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, as we wrap up this year in Congress, I want to honor Mary Mills Ritchie, who left my staff earlier this year to return to Mississippi. She was a dedicated member of my staff who honorably served my office and the people of Mississippi.

Mary Mills came to my office as our staff assistant in 2003, after graduating from the University of Mississippi earlier that year, and Jackson Preparatory School in 1999. She demonstrated her abilities to understand and affect public policy and with her dedicated work ethic, her role grew to Legislative Assistant for health care policy.

She managed this legislative portfolio at a critical time, as we worked with seniors and communities to implement the Medicare Reform Act of 2003 that provides prescription drug benefits to needy Americans. She served as my liaison to the Centers for Medicare & Medicaid Services and assisted pharmacists, hospitals, and other health care providers in Mississippi move through the Washington bureaucracies.

Following Hurricane Katrina, she played a critical role as we inserted language in the Deficit Reduction Act of 2005 that provided funds for 8½ months of Mississippi's state Medicaid budget: $850 million in budget relief at a time when Mississippi was straining under the pressures of disaster recovery.

While working in Washington, she met a young man from Texas named Spencer Ritchie and they married in March of 2005. But rather than carrying her away to the Lone Star State, she converted him into a Mississippian. He is now in law school at the University of Mississippi, where she works in Oxford.

Mary Mills' hard work and success is a tribute to her parents, Sam and Leila Lane. I know they and her brothers, Samuel and Ben, are very proud of her.

Madam Speaker, Mary Mills Ritchie left a formative mark on my health care agenda and on our office. We will not forget her good nature or her eagerness to learn and work. She possesses a rare grace and presence. This unique spirit carries her compassion and commitment to help, teach and serve others. She continues to bless the lives of all who know her. I thank her for her service to this office and to Mississippi.

RECOGNIZING MONTY SLOUGH AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Monty Slough of Little Elm, Texas for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

After checking records at the Department of Veterans Affairs, Monty identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Slough began building a granite tiled memorial to Denton County soldiers, sailors, airmen, and marines who died in service in Iraq or Afghanistan.

Mr. Slough has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Monty said, "This isn't going to bring them back, but they sure as hell are not going to be forgotten."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Monty Slough of Little Elm, Texas for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to represent him in the 26th District of Texas.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of New Mexico. Madam Speaker, In 2002, we enacted the Terrorism Risk Insurance Act in an attempt to stabilize the economy following the tragic events of September 11, 2001 and to protect against economic catastrophe should another attack occur. This important program is set to expire at the end of the year, and it is essential that we reauthorize TRIA.

The legislation before us is not the strong bill we passed in September or the compromise we passed last week, and it is not a perfect bill. It extends TRIA by only 7 years and does not include the strong new provisions that were included in the other bills we passed. However, this legislation does do one vital thing: it works to ensure the stability of our economy should another national crisis occur. For this very important reason, I support this legislation today but hope we can pass a stronger bill in the future.

IN REMEMBRANCE OF ANGELO WEDO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life of Angelo Wedo, a former shoemaker's helper and railroad worker, who served ten years as mayor of Brook Park, Ohio.

Born in Windber, PA, Angelo was the son of Italian immigrants. After graduating with a degree in accounting from Lehigh University, Angelo moved to the Cleveland area, where he worked as an accountant for Pre-form Marine Products before and after his stint as mayor.

In 1961, Angelo was elected Brook Park city treasurer. He served as Ward 4 councilman from 1966 to 1970 and as council president for two years before becoming mayor.

Angelo served as mayor from 1972 to 1981 and is credited for playing an integral role in establishing the city's first recreation center. In appreciation of his commitment to recreation facilities, a city park was named in his honor.

Angelo was the devoted husband of Sondra and the loving father of Greg, Michelle, Tony, Valerie, and Vicki. He was the cherished grandfather of six grandchildren.

Madam Speaker and colleagues, please join me in honoring Angelo Wedo, an enthusiastic member of the Brook Park community and dedicated servant of local government. May his commitment to Brook Park serve as an example to all of us.

TRIBUTE TO AARON DAVID HUDSPETH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron David Hudspeth 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 and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron 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 Aaron David Hudspeth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INVESTIGATION NEEDED ABOUT TAPE DESTRUCTION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, many Americans are rightly concerned about reports that the Central Intelligence Agency destroyed tapes documenting the interrogation of two suspected Al Qaida terrorists.

This morning's newspapers report that the decision to destroy the tapes may have come after the matter had been discussed with legal advisers at the highest level in the Bush administration.

I do not know how accurate those reports may be. But I agree with an editorial in yesterday's Gazette, the daily newspaper of Colorado Springs, that Congress should investigate this matter.

In the words of the Gazette:

The House and Senate intelligence committees and other congressional committees have vowed to undertake investigations into the circumstances under which those tapes were destroyed. This is an appropriate use of the legislative branch's power to oversee the activities of the executive branch, especially when allegations of illegal activity are involved.

On Friday, however, the Justice Department asked the relevant congressional committees to postpone their investigations while preliminary investigations by the Justice Department and the CIA itself are under way. U.S. Attorney General Michael Mukasey also announced that the Justice Department would not comply with congressional requests for information at this time.

This stonewalling is inappropriate and only feeds suspicion. Congress is an equal branch of government under the Constitution. As such, it has full authority to conduct investigations into the activities of executive branch employees. * * *

In a democratic system the government is supposed to serve the interests of the people and eternal vigilance is the price of liberty. But the people cannot maintain vigilance over ''their'' government if the government is allowed to keep its arguably questionable activities secret.

I completely agree with that succinct summary of the situation, and urge the Intelligence Committees to proceed with their inquiries.

For the information of all our colleagues, I am attaching the complete text of the Gazette's editorial:

[From the Colorado Springs Gazette, Dec. 18, 2007]

OPEN GOVERNMENT—CONGRESS MUST INVESTIGATE TAPES' DESTRUCTION

Although the circumstances are suspicious surrounding a decision by the CIA to destroy videotapes of the interrogations of two al-Qaida suspects by CIA interrogators, it is virtually impossible to know whether those tapes contain evidence of ''enhanced interrogation'' techniques that rise to the level of torture. What is certain is that all the investigations into how and why those tapes were destroyed, and who ordered their destruction, should proceed with all deliberate speed.

Last week CIA Director Gen. Michael Hayden gave secret testimony to the Senate Intelligence Committee regarding the hundreds of hours of videotaped interrogation of two men identified as members of al-Qaida, Abu Zubaydah and Abd ai-Rahim al-Nashiri. He acknowledged that the tapes had been destroyed sometime around 2005.

The House and Senate intelligence committees and other congressional committees have vowed to undertake investigations into the circumstances under which those tapes were destroyed. This is an appropriate use of the legislative branch's power to oversee the activities of the executive branch, especially when allegations of illegal activity are involved.

On Friday, however, the Justice Department asked the relevant congressional committees to postpone their investigations while preliminary investigations by the Justice Department and the CIA itself are under way. U.S. Attorney General Michael Mukasey also announced that the Justice Department would not comply with congressional requests for information at this time.

This stonewalling is inappropriate and only feeds suspicion. Congress is an equal branch of government under the Constitution. As such, it has full authority to conduct investigations into the activities of executive branch employees.

At the same time, the Justice Department is urging a federal judge not to hold a hearing into the destruction of the tapes. U.S. District Judge Henry Kennedy is presiding over a case involving 12 Yemeni prisoners being held at the detention camp at Guantanamo Bay on Cuba. Defense lawyers have urged such a hearing, noting that in 2005 Kennedy as the presiding judge in Zubaydah's and al-Nashiri's cases ordered that all evidence involving that case be preserved, and want to determine whether the destruction of the Zubaydah and al-Nashiri interrogation tapes violated that order.

It is possible for reasonable people to differ as to whether torture is ever justified. We agree with Sen. John McCain, who knows something about torture from his experience as a Vietnam prisoner of war, that the United States should maintain the moral high ground by abjuring torture. Most experienced interrogators also note that torture is not a reliable way to acquire accurate information.

A broad, informed debate on appropriate interrogation techniques is appropriate given widespread suspicion that the U.S. has used techniques that are tantamount to torture. The more information available, the more informed any such discussion will be. That's why it is deplorable that the Justice Department wants to quash congressional and judicial inquiries into the destruction of videotapes that may—or may not—have documented the use of inappropriate techniques by government operatives.

In a democratic system the government is supposed to serve the interests of the people and eternal vigilance is the price of liberty. But the people cannot maintain vigilance over ''their'' government if the government is allowed to keep its arguably questionable activities secret.

CONGRATULATING STRATON KARATOSSOS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, the athletic tradition at Mississippi State University has celebrated the lives and accomplishments of many student and staff leaders over the years. Recently another has been added to this list when Straton Karatassos was inducted into the Mississippi Athletic Trainers' Association Hall of Fame.

Straton has a lifetime of experiences and stories as a manager and trainer of athletic teams. While working with the Georgia Southern baseball team in 1973, he made his first visit to Mississippi State University for a game, and later that year returned as a graduate student. Now, three decades later, Straton has become inseparable from the MSU athletic family. He was named State's head trainer in 1981, later served as assistant athletic director for sports medicine, and now works as assistant athletic director for athletic development within the Bulldog Club.

While he is a native of Savannah, GA, we like to claim him as a true son of Starkville. He and his wife, Harriet, of Batesville, MS, are central to the Bulldog community, and he is as much part of the teams at Mississippi State as are the players.

Madam Speaker, I hope the Congress joins me in congratulating Straton Karatassos for a lifetime of service to sport and saluting him in his induction into the Mississippi Athletic Trainers' Association Hall of Fame.

EXPRESSING SUPPORT FOR MEMBERS OF THE NATIONAL GUARD

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. UDALL of New Mexico. Mr. Speaker, the men and women who put on the uniform of the National Guard have acted with extreme bravery and integrity. Through the wars in Afghanistan and Iraq, these soldiers have fought valiantly, without question and without reservations, and they embody the entire spirit of service.

In New Mexico, the National Guard has played an historic role in defending our Nation. Members of the New Mexico National Guard served as "Rough Riders" on San Juan Hill

with Teddy Roosevelt, served as prisoners of war at Bataan for horrendous years during World War II, and were deployed to Operation Desert Shield. Whether fighting during a time of war, assisting local and State law enforcement, or guarding our borders, New Mexico's National Guard stands ''ready to fight'' and accomplishes every mission it receives with distinction and with pride.

We in the House offer our unconditional support of these men and women, and I strongly support this legislation.

TRIBUTE TO KEITH MICHAEL GREENWOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Keith Michael Greenwood 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 and earning the most prestigious award of Eagle Scout.

Keith has been very active with his troop, participating in many scout activities. Over the many years Keith 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 Keith Michael Greenwood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ROBERT F. RIORDAN

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TIAHRT. Madam Speaker, I rise today to recognize my good friend, Robert F. Riordan, who is retiring after many years of active involvement in the Kansas business community. Bob is set to retire at the end of the year as the head of government relations for Black & Veatch, a leader in energy and water industries, and one of Kansas's largest businesses.

Bob is the eldest of Francis Xavier and Elizabeth Parris Riordan's four sons. He was raised in Wichita and Salina, KS. Despite the loss of his father when Bob was only 13 years old, he excelled in academics and sports while at Sacred Heart High School in Salina. At Sacred Heart, he was captain of the basketball team, a member of the 1958 American Legion State Champions, and valedictorian of his class.

Upon graduation from Sacred Heart in 1960, he attended the United States Naval Academy. Bob received his commission as an ensign in 1964 upon his graduation from Annapolis. He married Pamela Elizabeth Sutton, and together they have three children and three grandchildren, with two more grandchildren on the way. Bob served his country for 11 years while on active duty as a naval officer. He made numerous deployments to Vietnam and saw much combat. His deployments included serving on the USS *Haverfield* (DER 393) and the USS *New Orleans* (LPH–11). While on active duty, he achieved the rank of lieutenant commander, a rank he made as an early selectee.

Wanting to spend more time with his family, Bob returned to Kansas after 11 years of service. Bob has always put his family first, and is a loving and caring husband and father. Throughout the years, he made financial and professional sacrifices to make sure that his relationship with his family came first.

Bob spent 3 years in Salina, working for Marymount College and the engineering firm of Wilson & Sons. While in Salina, he became interested in our Nation's energy policies and alternative energy. He started his own business for alternative energy in Salina before being appointed to a position with the then Kansas Department of Energy. After leaving his appointment, he moved to Lawrence, KS, and spent several years with the University of Kansas developing various forms of alternative energy. In 1982, Bob began doing government relations work for Kansas Power & Light, and was central to the development of their energy policies. While at Kansas Power & Light, Bob became vice president of operations, and helped to create a successful strategy to bring economically efficient power to Kansas.

In 1991, Bob left Kansas Power & Light to help create a fuel-cell company based out of Connecticut. He then came to work with Black & Veatch, starting with a project to build a power plant in Florida. He returned to Kansas in 1994 as head of Black & Veatch's government relations, and has continued in this position to the present day. Throughout his time at Black & Veatch, I have had the opportunity and privilege to work with Bob on a wide range of exciting projects.

Throughout his life, Bob has always been a man of integrity, honor, and loyalty. Bob's word is his pledge. More importantly, Bob will do something or take some action simply because it is the right thing to do. Bob never carries a grudge, and he never keeps score of what he has done for others. Through his service to his country, dedication to his career, and devotion to his family and friends, he exemplifies all that is best about Kansans.

I would like to wish Bob, and his wife Pam, all the best as they enter this new chapter of their lives.

IN SUPPORT OF THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. ROTHMAN. Madam Speaker, our Nation owes a debt of gratitude to those who selflessly rushed to Ground Zero to help their fellow citizens during and immediately following the terrorist attacks of September 11, 2001. These courageous American men and women thought of others first and themselves second. Truthfully, if it were not for the firefighters, rescue workers, emergency medical providers, and volunteers who helped in the days following 9/11, then the death toll may have been even higher. The healing process would have been even slower. And the cleanup would have taken even longer.

Today, however, many of these rescue workers and volunteers suffer severe respiratory illnesses and diseases as a result of their exposure to toxic debris and materials at Ground Zero. To add insult to injury, the Bush administration has failed to provide them with adequate health care and, in some cases, actually challenged the cause of their illnesses, which doctor after doctor has diagnosed as stemming from the poisonous air at Ground Zero.

Our Nation can and must do far better by our heroes. That is why I strongly support and have cosponsored the James Zadroga 9/11 Health and Compensation Act. This legislation would establish a World Trade Center Health program to provide medical monitoring, treatment, and compensation to emergency responders, recovery and cleanup workers, and other Ground Zero workers suffering serious diseases as a result of their efforts. It would also expand the number of individuals who are to be covered by such arrangements and creates a nationwide network of health care providers for treating victims residing outside the New York City area.

The American people understand that we have a duty to support our heroes—from those who saved lives in the aftermath of 9/11 to all of our service men and women returning from the wars in Iraq and Afghanistan. It's sad that we need legislation to force the Bush administration to do right by our heroes—but such is the situation we face. Thus, I will continue to fight for passage of the James Zadroga Act, will continue to seek increased funding to treat veterans and troops with post-traumatic stress disorder, severe brain injury, and other needs, and will work hard to elect a new President of the United States who will do more than pay lip service to the needs of our heroes.

Finally, I wish to applaud the good people at the Unsung Heroes Helping Heroes organization. While they never asked for anybody's praise, they have earned it—not only through their actions on 9/11, but also through their tireless advocacy on behalf of all those struggling with serious health problems caused by 9/11 and through their assistance to sick and injured 9/11 responders.

RECOGNIZING THE CONTRIBUTIONS OF THE CHRISTMAS TREE INDUSTRY TO THE UNITED STATES ECONOMY

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. WU. Mr. Speaker, I rise in support of H.J. Res. 15—Recognizing the contributions of the Christmas tree industry to the United States economy. I am proud to be a cosponsor of this resolution.

During the holiday season, it is appropriate that we consider this resolution. Many Americans participate in the tradition of Christmas and Christmas trees are an important part of this tradition. Many memories associated with Christmas include a beautiful natural tree decorated with lights and ornaments with gifts underneath, shared with family and friends.

Whether families purchase a pre-cut tree or cut the trees themselves—the tree most likely came from a tree farm. More than 36 million Christmas trees are produced each year, and 98 percent of them come from Christmas trees farms. Christmas tree farms have a positive contribution to our economy.

None know the importance of Christmas trees to our economy better than Oregonians. In 2006, Christmas trees accounted for more than $121 million of the Oregon economy. Our number one agricultural commodity is nursery products, including Christmas trees. While many people know Oregon for our forests, it is fitting that we are also first in the Nation in Christmas tree production. I am proud to represent thousands of Oregonians who are part of the Christmas tree and nursery industry.

Christmas trees are both part of the Christmas and winter holiday season, and important to Oregon and the nation's economy. I commend my colleague, Ms. FOXX, for introducing this resolution.

HONORING RETIRING DIRECTOR OF THE BUFFALO AND ERIE COUNTY PUBLIC LIBRARY SYSTEM MICHAEL C. MAHANEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of Mr. Michael C. Mahaney, Director of the Buffalo and Erie County Public Library System, whose exemplary service will conclude on January 4, 2008.

Mr. Mahaney began his involvement with the Buffalo and Erie County Public Library (B&ECPL) in December of 1973 as a Library Page in the Central Library's Stack Department. In 1976, he received his Master of Library Science degree from the State University of New York at Buffalo, and began working as a part-time Librarian at the Fairfield, Mead and Kensington Branch Libraries before being appointed to a full-time Librarian position in the Central Library's Business and Labor Department.

Mr. Mahaney's love of the library system and his natural leadership abilities soon propelled him to more senior positions within the B&ECPL, including liaison to the Erie County Legislature, Library constituents, local and regional media and the Library Board of Trustees, and Chairman of the Library's long range planning committee. He was also an active member of the New York Library Association and American Library Association, frequently representing the Buffalo and Erie County Public Library on committees and task forces and at various state and national conferences.

In January 2000, Mr. Mahaney was promoted to the post of Deputy Director, Chief Operating Officer of the B&ECPL, responsible for the administration of all Library public support and planning functions and played a critical role in the development of the Library's strategic plan.

Following a national recruitment effort in January 2003, Mr. Mahaney was chosen overwhelmingly by the Library's Board of Trustees to serve as permanent Director of the B&ECPL. During this time, he was instrumental in guiding the community through the reorganization of the Library in the aftermath of Erie County's worst budget crisis in history.

In his last year as Director of the B&ECPL, Mr. Mahaney oversaw a $500,000 increase in county funding and the passage of the Library Protection Act, a local law safeguarding library funds after the county's annual budget is adopted, a goal library officials had sought for 14 years.

Madam Speaker, it is my honor to stand here today to pay tribute to the inspired leadership and remarkable contributions of Michael C. Mahaney during his 34 years of dedicated service to the Buffalo and Erie County Public Library System. I thank you, Madam Speaker, for allowing me this opportunity to honor Mr. Mahaney's past service and ask you and the rest of our colleagues to join me in wishing Mr. Mahaney the very best of health and success in the years to come.

INTRODUCTION OF THE FALSE CLAIMS ACT CORRECTIONS ACT OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BERMAN. Madam Speaker, I am pleased to introduce the False Claims Act Corrections Act of 2007, a bill designed to return the False Claims Act to its original intent. This legislation is sorely needed today, with the Department of Defense budget raided by unscrupulous contractors willing to enrich themselves at the expense of our Nation, and the Medicare program at risk of insolvency while organized crime and others pilfer funds meant for the care of our elderly and disabled. The proposed amendments would correct the effect of unduly restrictive judicial opinions by clarifying that Congress intends the law to reach all types of fraud on the Federal fisc, regardless of the form of the transaction. The amendments would also restore the intended incentives for whistleblowers, to act when they discover fraud against the United States Government.

The False Claims Act was signed into law by President Abraham Lincoln in order to combat rampant fraud in Civil War defense contracts. The Supreme Court has called the law the "Government's primary litigative tool for combating fraud," a law "intended to reach all types of fraud, without qualification, that might result in financial loss to the Government." The statute, which embodies principles developed in centuries-old English common law, contains incentives for private individuals to report false claims and fraudulent activity. It also allows private parties to sue on behalf of the United States and bring their private resources to support the Government's investigation and litigation. If the United States investigates and finds merit to the private party's allegations, it may intervene in and take control of the lawsuit.

During the first century after its enactment, however, the law fell into disuse as amendments and adverse case law chipped away at the incentives needed to bring whistleblowers forward. Moreover, the courts had restricted the law by construing ambiguities in the act against the Government. It had also become apparent that, in order for the law to have its intended impact, the Department of Justice needed the power to compel testimony and production of documents to investigate allegations made by informants.

In 1986, Senator CHARLES GRASSLEY and I worked together in an effort to restore the requisite incentives for whistleblowers and to clarify that the law was intended to reach all frauds on the Government, regardless of the form of the transaction. The False Claims Amendments Act was passed by Congress and signed into law on October 27, 1986. In addition to addressing incentives, the new law also provided for a subpoena-type authority for the Department of Justice so that the Department could fully investigate allegations raised by whistleblowers. Congress intended that the Department of Justice would use this new "civil investigative demand" authority to obtain documents and testimony, and then question witnesses and experts about this information to fully comprehend its significance.

I am very happy to report that, in the years since 1986, the amended Act has returned over $20 billion to the United States Government that otherwise would have been lost to fraud. For the most part, the law has been a resounding success. The Government has received full compensation for many of its losses, and has also imposed financial penalties on many who have knowingly over-billed the Government. It has utilized information from False Claims Act informants to impose criminal sanctions, including imprisonment, on the worst offenders. The Department of Defense and the Department of Health and Human Services, in turn, have debarred from Government contracting, and excluded from participation in the Medicare program, some of those subject to judgments and convictions. Other agencies have taken similar action. As a result of this aggressive enforcement action by our executive branch, many companies have been motivated to initiate compliance efforts, and have been deterred from engaging in the types of fraudulent schemes subject to enforcement activity.

Nonetheless, the law has not been a success in one critical respect: it could be doing far more. If construed according to Congress' original intent, it could be bringing in many billions of additional dollars in recoveries from those who have cheated at the expense of the taxpayer. Instead, some courts have misconstrued our intent, even in clear language in the law, in a manner that leaves entire categories of fraud outside the reach of the law. For example, courts have thrown out cases in which the Government has administered Government programs, and expended its funds through contractors and other agents, as opposed to direct expenditure. Many courts unreasonably have barred whistleblowers with potentially meritorious claims from pursuing cases. For example, the courts have dismissed cases brought by insiders who know key details of fraudulent schemes because they can't plead specific details of the billing documentation, such as the dates and identification numbers of invoices—information ordinarily sought and obtained in discovery. Finally, due to procedural requirements and an oversight in our original drafting, the Department of Justice has not employed the civil investigative demand authority as hoped.

The amendments proposed in this legislation will remove these debilitating qualifications and to clarify that the Act is intended to "reach all types of fraud, without qualification" leading to Government losses. We intend for these amendments to apply to all future cases as well as all cases that are pending in the courts on the date the amendments become law.

The Amendments' most critical goals are the following: Clarifying that the Act covers

fraud on Government programs even when the Government uses agents and other third parties to administer Government programs and contracts; Clarifying that the Government's new or amended complaint in a qui tam action relates back to the original qui tam complaint to the same extent it would relate back if the Government had filed the original complaint; Clarifying that plaintiffs do not need to have access to individual claims data or documents to bring a False Claims Act case; Amending the Act so that a qui tam case may be dismissed in light of prior public disclosures only upon motion of the Government, and only if the case is truly parasitic; Amending and clarifying the Act to specify how the Act's chief investigative tool—the civil investigative demand—may be used to investigate violations of the Act; and clarifying how the Act applies to Federal employees who discover fraud during the course of their employment, by providing the Government authority to move to dismiss the action of any Federal employee who brings a qui tam action under the Act without first having provided the Government fair notice and opportunity to pursue such wrongdoing through its own False Claims Act action or other appropriate remedy.

Fighting fraud against U.S. taxpayers is not a partisan issue. When we passed the False Claims Act amendments in 1986, we did so with a strong bipartisan coalition in both houses. I'm pleased to continue that tradition by introducing this bill today with Representative JIM SENSENBRENNER as my partner. I look forward to working with him to make these amendments to the False Claims Act law this Congress.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIA CARSON, MEMBER OF CONGRESS FROM THE STATE OF INDIANA

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ETHERIDGE. Madam Speaker, I raise to honor the legacy and accomplishments of our recently passed colleague and dear friend JULIA CARSON.

In 1996 JULIA's deep commitment to those she served led her to become the first African-American woman to be elected to the U.S. House from Indiana. I had the opportunity to get to know JULIA during our freshman terms in the 105th Congress and build a relationship with her over the past 10 years that we have both served. Julia spent her time in Congress working for children's issues, women's rights and efforts to reduce homelessness. One of her biggest accomplishment in the House was passing legislation granting the Congressional Gold Medal to Rosa Parks, the Mother of the Civil Rights Movement who was arrested for refusing to give up her seat on a segregated city bus in Montgomery, AL. She leaves behind an unmated record of service to the people and an unequaled legacy of leadership.

Madam Speaker, I urge all of my colleagues to join me in paying respect to the family of JULIA CARSON and in honoring her career in service to our country.

TRIBUTE TO AARON N. MENICHETTI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron N. Menichetti 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 and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron 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 Aaron N. Menichetti for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF BILL STRAUSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of the late Mr. William Arthur Strauss.

I first met Bill Strauss in 1963 when we were both pages here in Washington. Bill served at the Supreme Court; I served in the Senate. Our respective careers continued to revolve around the Nation's capital—mine in Congress, Bill's in the executive branch.

Bill boasted an education few can match: an undergraduate degree from Harvard University in 1969, a law degree from Harvard, and a master's degree from Harvard's venerable John F. Kennedy School of Government. He returned to Washington with his young bride in 1973, joining the Department of Health, Education, and Welfare (now Health and Human Services) as a policy aide. He quickly moved up to the Presidential Clemency Board, directing a report on the impact of the Vietnam War on draft-eligible youth.

Bill Strauss continued his work for the Federal Government, moving to the Department of Energy in 1977. Subsequently, in 1980 Mr. Strauss became chief counsel and staff director of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes.

Despite his long service in the Federal Government—or, possibly more aptly, as a result of it—Mr. Strauss discovered at a Memorial Day party in 1981 that he was blessed with the gift of improvisational comedy. Having performed successfully to a receptive audience of friends, Mr. Strauss realized he could make a living satirizing the goings-on within the Beltway.

During his office's Christmas party in 1981, Mr. Strauss, along with a group later christened the Capitol Steps, performed his first musical parody. Senator Charles Percy (R–Ill), his employer, and the rest of the staff knew instantly that Bill Strauss had a gift. The group grew steadily over the years, blossoming into the now $3-million-a-year industry with performances across the country.

Despite these notable achievements, Bill will probably be best remembered for founding the Critics and Awards Program, otherwise known as the Cappies. Bill was inspired to institute this regional institution, which honors exceptional high school dramatic and musical performances throughout the Washington, DC, metro area, after being diagnosed with an aggressive strain of pancreatic cancer. Every year, high school students gather at the Kennedy Center for a ceremony not unlike the Tony Awards in New York. I look forward to the Cappies every year, and hope this tradition continues for years to come.

I was saddened to hear Bill succumbed to cancer at his home in McLean, VA, on December 18, 2007. His legacy of both the Capitol Steps and the Cappies will keep his memory alive within the Capitol Beltway for many years to come. May the elected officials in this body never cease to give Mr. Strauss' company a plethora of material to keep the country laughing.

Madam Speaker, in closing, I would like to pay tribute to the life and accomplishments of Mr. William Arthur Strauss, and express my deepest condolences to all who knew and loved him.

[From the Washington Post, Dec. 19, 2007]

BILL STRAUSS, 60; POLITICAL INSIDER WHO STEPPED OVER INTO COMEDY

(By Joe Holley)

Capitol Steps founder Bill Strauss was a Harvard-trained lawyer and Senate subcommittee staffer when he broke through the chrysalis of Capitol Hill conventionality to become a musical satirist.

Mr. Strauss, who died Dec. 18 of pancreatic cancer at his home in McLean, recalled the breakthrough in a phone interview shortly before his death at age 60.

It was Memorial Day 1981, he said, and he was hosting a party that ended with a jam session around the piano. Party-goers riffed on parodies of Reagan-era news makers.

Mr. Strauss discovered that night that he had a facility for impromptu silliness and satire. He began to wonder whether, at age 34, he might be able to make a living at it, even though his only musical training was a stint in his elementary school orchestra.

During the next several months, when not worrying about nuclear proliferation and other weighty matters, he wrote musical parodies. Enlisting other musically gifted Senate staffers, he scheduled the group's debut at the annual office Christmas party of Sen. Charles Percy (R-Ill.), Mr. Strauss's employer.

The group christened itself the Capitol Steps, an allusion to the location of a late-night amorous moment enjoyed by Rep. John W. Jenrette (D-S.C.) and his wife, Rita.

Capitol Steps was a hit from the beginning. For the next few years, the group performed regularly for free at parties and in church basements. ''We were clinging to our day jobs,'' co-founder Elaina Newport said. ''Frankly, we were trying not to get in trouble.''

Today, Capitol Steps is still performing, although not in church basements. It's a $3 million-a-year industry with more than 40 employees who sing and satirize at venues across the country.

The group's success was ''totally out of the blue,'' Mr. Strauss said. ''Neither I nor anyone else was expecting it.''

Mr. Strauss's more serious side found expression in six books he co-authored about

American generations and as co-founder of Cappies, a high school critics and awards program. He also wrote three musicals—''MaKiddo,'' ''Stopscandal.com.'' and ''Anasazi''—and co-wrote with Newport two books of satire, ''Fools on the Hill'' (1992) and ''Sixteen Scandals'' (2002).

''He packed several lifetimes into his 60 years,'' Newport said.

William Arthur Strauss was born in Chicago and spent most of his childhood in Burlingame, Calif., in the San Francisco area. He was a Capitol page in 1963, during his junior year in high school, and graduated from Harvard University in 1969. He received a law degree from Harvard Law School and a master's degree from Harvard's John F. Kennedy School of Government, both in 1973, but knew from his first semester in law school that he did not want to practice law. The summer his classmates took the bar exam, he and his wife were on a 40-day honeymoon trip across Africa.

The couple moved to Washington in 1973, and Mr. Strauss took a position as a policy aide for the Department of Health, Education and Welfare (now Health and Human Services). He moved the next year to the Presidential Clemency Board, where he directed a research team writing a report on the impact of the Vietnam War on the draft-eligible generation.

A year later, he and Larry Baskir co-wrote ''Chance and Circumstance'' (1978), a book about the Vietnam-era draft. Their second book, ''Reconciliation After Vietnam'' (1987), was said to have influenced President Jimmy Carter to issue a blanket pardon to draft resisters.

Mr. Strauss worked at the Department of Energy from 1977 to 1979 and then was offered the position of general counsel of the Selective Service System. Political objections derailed the offer: Someone pointed out that in the preface to ''Chance and Circumstance,'' he had admitted helping a classmate eat enough to be too heavy for the draft.

The day Mr. Strauss heard about his rejection, he learned of an opening as a committee staffer with Percy. When Republicans took control of the Senate a year later, in 1980, Mr. Strauss became chief counsel and staff director of the Subcommittee on Energy, Nuclear Proliferation and Government Processes.

He had grown up listening to political satirists Tom Lehrer and Stan Freberg and had written a few political poems in college, but making a living with Capitol Steps was, in Mr. Strauss's words, ''a big entrepreneurial leap.''

He would never lack for material, however—from Sen. Gary Hart and ''Monkey Business'' to Vice President Dick Cheney (''The Angina Monologues''). In the late 1980s, he perfected his backwards talk routine, ''Lirty Dies,'' just in time for President Bill Clinton (''Clinton's Libido Loco'') and Monica Lewinsky (''My Mama Told Me: You'd Better Sleep Around'').

Made up mostly of Republicans, with a few Democrats and independents—''to spread the blame a bit,'' Newport said—the troupe, at Mr. Strauss's insistence, has always tried to be equal-opportunity satirists. ''Generally people wanted to be in the show,'' he said, even when they were the ones being spoofed.

As Capitol Steps was taking up more of his time, Mr. Strauss was exploring American history through the cycle of generations. With co-author Neil Howe, he wrote ''Generations'' (1991), ''13th Gen'' (1993), ''The Fourth Turning: An American Prophecy'' (1998), ''Millennials Rising'' (1999), ''Millennials Go to College'' (2003) and ''Millennials and the Pop Culture'' (2005).

In 1999, Mr. Strauss received a diagnosis of an aggressive strain of pancreatic cancer. The diagnosis prompted him to form the high school Critics and Awards Program, known as Cappies. ''I decided this would be my calling, performing less and concentrating on starting this program,'' he said.

Cappies arranges for high school students to attend and review each other's shows, with top reviews published in local newspapers. Sixty Washington-area schools are involved with the program, as well as 17 additional schools in the United States and Canada. Top Cappies winners perform shows at the Kennedy Center, and student creative teams, under Mr. Strauss's oversight, have written two musicals. The most recent, ''Senioritis,'' has been made into a movie that is to be released in March.

''He had so many different projects in the air,'' said Judy Bowns, his Cappies colleague for nine years, ''and the amazing thing is that they were completed with a standard of excellence that was mind-boggling.''

Survivors include his wife of 34 years, Janie Strauss of McLean; four children, Melanie Yee and Rebecca Strauss of McLean, Victoria Hays of Fairfax County and Eric Strauss of Reston; and one granddaughter.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GOODLATTE. Mr. Speaker, I rise today in opposition to this reckless energy policy, which will do absolutely nothing to make us energy independent, or lower energy costs. This bill sets us on a dangerous path and ties our hands in a regulatory mess to ensure that we cannot produce domestic energy.

Like my colleagues, I believe we should find solutions to address the growing demand for energy. The biggest concern facing the farmers and ranchers of this country is increased input costs from higher fuel prices and fertilizer. The U.S. fertilizer industry relies upon natural gas as the fundamental feedstock for the production of nitrogen fertilizer. The rest of the U.S. farm sector also depends on significant amounts of natural gas for food processing, irrigation, crop drying, heating farm buildings and homes, the production of crop protection chemicals, and, let's not forget, ethanol biofuel production. In addition to the farm sector, the forest products industry relies more on natural gas than any other fossil fuel, and energy amounts to the third largest manufacturing cost for the industry .

Unbelievably, this legislation contains no new energy supplies in it and does nothing to relieve the burdens of increased costs on producers who provide the food and fiber for American consumers. It seems that the majority's plan to move toward energy independence includes limiting domestic energy production and imposing new government mandates that will prove to be costly and burdensome to the American people.

This legislation would dramatically expand the Renewable Fuels Standard RFS, by increasing it to 36 billion gallons by 2022. This initiative is extremely ambitious and could be achieved by tapping all sectors of agriculture including plant and wood waste, vegetable oil, and animal fat and waste which would result in the production of 21 billion gallons of cellulosic ethanol. While I am in favor of finding new markets for agriculture products, what good is finding new markets for agriculture commodities when the cost of production is too much for our farmers and ranchers?

We should develop a policy that is technology neutral and allows the market to develop new sources of renewable energy. The RFS provisions create an unrealistic mandate for advanced biofuels technology that doesn't yet exist and creates hurdles for the development of second generation biofuels by placing restrictions on alternative fuels, renewable fuel plant production, and, most important, limits the harvesting of our homegrown feedstocks. These restrictions will undoubtedly lead to a consumer tax to help bridge the gap in production that will occur if this policy is put into place.

Even with the advancement of cellulosic ethanol, the expansion of the RFS would still require 15 billion gallons of renewable fuel to come from the only current commercially available option: grain ethanol.

Last year, 20 percent of the U.S. corn crop was used for ethanol production and that amount is expected to rise significantly over the next few years. With feed stocks meeting most of our renewable fuel initiatives, the livestock sector is facing significantly higher feed costs. Corn and soybeans' most valuable market has always been, and will continue to be, the livestock producers. We must ensure that there are not unintended economic distortions to either grain or livestock producers as a result of these sectors prospering from other markets.

The benefits of reduced reliance on foreign energy sources, stable energy prices, and new markets for agricultural products should not be replaced with a risk of adding even more increased input costs for livestock producers and creating even higher food prices for consumers.

In addition to the above mentioned concerns, I'm also deeply disappointed that the Renewable Fuels Standard would essentially shut out one of the largest potential sources of feedstock for renewable fuel, forest biomass. In total, forests have the potential to sustainably produce 370 million tons of biomass for energy every year. This is approximately two and one-half times the amount of forest biomass we currently consume in traditional forest products. This amount of forest biomass could produce 24 billion gallons of ethanol per year, according to very conservative estimates. This could supplement, not replace, existing forest products markets.

Unfortunately, H.R. 6 would not allow forest biomass grown on public lands to be used to meet the Renewable Fuel Standard, unless the biomass was removed near buildings, public infrastructure, or areas people inhabit regularly. This greatly reduces the opportunity for any substantial market in the energy sector for the byproducts of hazardous fuels reduction. These markets could help lower the costs of reducing wildfire risks and improving forest health on public lands. With the restrictions in H.R. 6, very little of these byproducts could be used to meet the Standard. Currently, we have serious issues in our public forests, with over 90 million acres at risk of wildfire, insects, and diseases. H.R. 6 would do nothing to help address these concerns.

Additionally, H.R. 6 stipulates that, with respect to private forests, only forest biomass

removed from ''tree plantations'' or biomass that is considered slash or brush can be used to meet the renewable fuel standard. It would also exclude any biomass taken from old growth forests, forests in the later stages of development, or forests that are considered ''ecological communities'' as defined by State Natural Heritage Programs.

With these restrictions, this Renewable Fuels Standard discourages efforts to reduce wildfire risk, control insects and disease in forests, improve forest health and wildlife habitat, and create market opportunities for family forest owners. There is also a tremendous opportunity to utilize existing forest products industry infrastructure to produce renewable fuels. H.R. 6 would do little to encourage that development.

A renewable fuels producer would likely look at all these restrictions on forest biomass and decide not to bother with forestry materials. If we are to come anywhere close to meeting the RFS mandates in H.R. 6, we must have a substantial amount of forest biomass as a feedstock. I'm deeply concerned that we will not be able to meet these mandates with the restrictions in H.R. 6 on the use of forest biomass.

This energy policy, set in place by the Democrat majority, exemplifies the Democrat motto through and through: tax and spend. This bill imposes $21 billion in tax increases. The other side will tell you that these tax increases will not affect the average hardworking American, only the ''big, evil oil companies.'' Nothing could be farther from the truth. The taxes contained in this bill will impede new domestic oil and gas production, will discourage investment in new refinery capacity, and will make it more expensive for domestic energy companies to operate in the U.S. than their foreign competitors, making the price at the pump rise even higher.

Let's make no mistake: an increased tax doesn't just hurt energy companies, it hurts every American—individual, farm, or company—that consumes energy. Increased taxes on energy companies are passed to consumers. Every American will see these increased costs on their energy bill. This body shouldn't pass legislation that further raises energy prices for consumers.

What is even more disturbing is that these increased costs will be felt by some of our Nation's most poor. On average, the Nation's working poor spends approximately 13 to 30 percent of their yearly income on energy costs. This average is already too high, and sadly this legislation will only dramatically increase the amount of money these workers will have to spend on energy costs. I have heard those on the other side of the aisle say that we must all shoulder the cost to produce clean energy. Well, the costs of the clean energy in the Renewable Portfolio Standard (RPS) alone, as estimated by just one of Virginia's many electric utilities, will increase $200 million for its retail customers. By shifting to renewable energy sources, that are not as available or as cost effective as traditional sources, we will see a rise in energy prices across the board and this will be hardest felt by working people who cannot afford to shoulder any more costs.

While this bill is said to be focused on new energy technologies, it fails to address some of our most promising domestic alternative and renewable energy supplies that could be cost effective for American consumers. Coal is one of our Nation's most abundant resources, yet the development of coal-to-liquid technologies is ignored in this bill. Furthermore, this legislation does nothing to encourage the construction of new nuclear facilities.

Proponents of this legislation will tout how green this bill is; however, if my colleagues really want to promote green energy they should encourage the production of more nuclear sites, which provide CO_2 emission-free energy. The rest of the world is far outpacing the U.S. in its commitment to clean nuclear energy. We generate only 20 percent of our energy from this clean energy, when other countries can generate about 80 percent of their electricity needs through nuclear. It is a travesty that in over 1,000 pages this legislation does not once mention or encourage the construction of clean and reliable nuclear plants. Nuclear energy is the most reliable and advanced of any renewable energy technology, and if we are serious about encouraging CO_2-free energy use, we must support nuclear energy.

This legislation does nothing to address the energy concerns of our country; and it does nothing to relieve agricultural producers of their increasing input costs. This legislation only makes the situation worse and it is the product of a flawed process that does not have bipartisan support.

This bill is a dangerous policy for our country. If we really want to make our country energy independent, this Congress must pass an energy bill that contains energy. This bill does not. I urge my colleagues to reject this awful bill, let's start over, and work to find real solutions to the energy needs of our Nation.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Energy Independence and Security Act—a major step towards securing a new, clean energy policy for America.

Last November the American people told Congress that they wanted a new direction in our Nation's energy policy. Today we have the opportunity to vote for a bill that the overwhelming majority of our constituents agree is the most significant Federal energy legislation in nearly 30 years—a bill that helps our country deal with the current energy crisis, prepare for the energy realities of the future, and address the impending climate crisis.

The Energy Independence and Security Act contains an increase in fuel economy standards for cars and trucks. Raising CAFE standards will also reduce America's dependence on foreign oil by 1.1 million gallons per day, cut emissions almost 27 million tons per year, and save Minnesota families up to $1000 every year.

The Energy Independence and Security Act sets landmark energy efficiency standards for appliances, lighting, and buildings. As a result, American consumers and companies will save billions of dollars in unnecessary energy costs, while decreasing their burden on the planet.

And the Energy Independence and Security Act makes a commitment to the fuels of the future, by replacing Middle East crude with Midwest crops.

By supporting this legislation we can make the first big step towards a more secure and more environmentally sustainable America. I urge my colleagues on both sides of the aisle to support this legislation, and to continue working to overcome the obstructionism of the President for additional, needed reforms for our country and our planet.

PERSONAL EXPLANATION

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. CASTOR. Madam Speaker, on rollcall vote No. 1173, during consideration of H. Con. Res. 254, recognizing and celebrating the centennial of Oklahoma statehood I incorrectly voted ''nay'', when I intended to vote ''Yea''.

SCAPPOOSE-VERNONIA SCHOOL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WU. Madam Speaker, as my colleagues know, in early December, the Pacific Northwest coast experienced severe storms. The storms caused devastating damage that isolated towns, left citizens without housing, transportation, communications, water, heat or electricity, and tragically caused loss of life. One city in my district, Vernonia, was particularly hard hit. The elementary, middle and high school were all severely damaged. Because of the damage, Vernonia students in grades 6–12 are now going to school in the nearby community of Scappoose. Although the storm recovery continues, and will continue for sometime, I wanted to share with my colleagues the following communication from Scappoose High School Principal Sue Hays reporting on the first day of Scappoose-Vernonia school. Her message is one of communities coming together, neighbors and families helping each other. Simply put, Oregonians at their best.

I will continue to do all I can to assist Oregon communities and families recover from the storms, but I wanted my colleagues in the House to know that the compassionate, proud, and hardy Oregon spirit shines on. Here is Principal Hays' message:

''Dear Scappoose Families,

I wanted to let you know how our first day of Scappoose-Vernonia School was. It was a great day, a very emotional day as the Vernonia students arrived in seven buses. Their teachers greeted them at the cafeteria doors with open arms. Every comment from the Vernonia staff to students was so heart felt. Questions about how is your family? How is your house? Are you ok? And . . . ''we are so glad you are here . . . we have missed you'' was repeated with each child. Many hugs took place as if these students had not seen each other for a lifetime! It was a very emotional moment for some of us.

We managed to feed all 300 students that showed up in record time, and then the

Vernonia students were off to the gym for an assembly and to get their new schedules. The Scappoose students then assisted the students to their classrooms and gave them guided tours of our building. Our Scappoose students came in for lunch shortly afterwards and then they headed home for the day.

It is now 3:30 and the halls are quiet and the Vernonia student's grades 6–12 are in class listening to teachers and working away on the latest assignment given to them. It is like nothing ever happened and they don't seem to know that they are even in Scappoose. They do know that there is teaching and learning going on, friends have reunited and the teachers that love them are there to support them and teach them.

I am so in awe of our staff and students who have handled this situation with grace, enthusiasm and superb organizational skills. The Vernonia students and staff have been very appreciative and they do have ''stories'' to tell. I talked to a couple of students today where one told me he still had 6 feet of water in his house. Another student told me he lost everything including his house. The lesson of the day was ''giving and receiving''.

Thank you all for your support and ''class act'' that your sons and daughters displayed today, even at 7:30 am in the morning! Report was that most everyone was on time!

If any of you wish to volunteer to ''man'' the donation areas at the high school, please let us know via email *scappoosehighschool@scappoose.kl2.0r.us.* Mr. Casey Honl has volunteered to coordinated and supervise the donations! People are now wanting to donate appliances and furniture, and we are trying to locate a facility that we can store the items in. We are still accepting cash donations with checks made out to ''Vernonia School Project''. We are hoping to get all students a new pair of tennis shoes. I have 60 donated from Nike at this time. Lastly, we can't forget the food drive to fill our own food bank in Scappoose as well as sending food to Vernonia. The U-haul in front of the school will be open school hours Wednesday through Saturday am. Thanks again for being such a great community! You are loved!

IN TRIBUTE OF BERTRAM M. LEE SR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RANGEL. Madam Speaker, I rise in tribute to Bertram M. Lee Sr., a trailblazing entrepreneur who exemplified the truest ideals of courage, fortitude and commitment. Bertram believed that there was nothing he could not achieve or conquer with personal dedication and faith as his instruments.

Bertram, who died in October 2003, gained national recognition as a successful entrepreneur and philanthropist. He broke through the barriers that sought to limit his vision to accomplish more than was expected of a person of his background. He launched large, sophisticated firms and expanded opportunities for other Black entrepreneurs and executives in media and telecommunications industries. As lead investor and president of Dudley Station Corporation he was in the vanguard of minority ownership of major media properties. His efforts culminated in 1982, when New England Television Corporation, a minority-led consortium acquired WNEV–TV, Boston's CBS affiliate. Under his leadership as President of the corporation from 1982–1986, both the value of the station and its journalistic quality increased.

Bertram went on to become the first minority owner of a professional sports franchise as co-owner and managing partner of the Denver Nuggets basketball team. In banking, he showed outstanding leadership as chairman of the board of directors of Boston Bank of Commerce. He also served on the boards of Shawmut Bank and Reebok International, Inc. A common thread woven through all of his accomplishments was his ability to expand existing boundaries and open opportunities in areas that were traditionally closed to African-Americans.

In politics, we worked together on the historic campaign to elect David Dinkins, the first African American mayor of my beloved city of New York. We shared a view of the world that believed in, and struggled for, the empowerment of African Americans no matter where they were on the globe. I urge my colleague to join me in recognizing this great American.

END OF SESSION

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CARDOZA. Madam Speaker, as we prepare to adjourn for the holiday season, we eagerly await the chance to spend time with our loved ones.

Radio music and advertisements offer cheery Jingle Bell tunes, the Christmas tree on the West Lawn has been lit, and we leave with a spirit of benevolence, wishing all a merry Christmas.

But unfortunately, Madam Speaker, not all who like Christmas will have it be merry because of a Grinch mean and scary who vetoes our bills with nary a thought.

The Grinch stole Christmas, Madam Speaker. He's robbed from the WHOS, and there's not a one weaker. And who are the WHOS? Why, any child can tell you—the WHOS are the children, the hungry, the poor, the ones we should help, not shove out the door.

While the tone I take is somewhat lighthearted, the subject matter is serious. The President, at almost every turn, has thwarted our efforts to help the most needy and vulnerable in our society.

First, the President has been callous towards the most vulnerable—our children, especially foster children.

The President vetoed a 15 million dollar increase for those children who surrounded by domestic violence are forced to take the safest way out—run. These youth depend on programs authorized under the Runaway and Homeless Youth Act that fund homeless shelters and counseling to diffuse conflict at home and enable them to be reunited with their families.

Mr. Speaker, the 5 million dollar increase Congress approved for the Education for Homeless Children and Youth program—also vetoed by the President.

To the orphaned foster youth who are denied services when the clock strikes midnight on their 18th birthday, the President turns his back on them. Homeless, without health insurance, they become just another statistic to be quoted in the list of ''throwaway'' youth.

The President denied the sum of a mere 500,000 dollars to create a national registry on child abuse, a provision Congress passed with bipartisan support in the Adam Walsh Act.

Currently, Madam Speaker, child abusers need only to cross state lines to avoid prosecution and find employment as teachers or daycare providers. This national registry would track the offenses of predators to prevent abuse, and it is unconscionable to deny funds for this program.

That is not all that's been taken from under the tree. It's just the beginning, I hope you will see.

We demand so much from parents this day in age, Madam Speaker. They balance full-time parenting with full-time employment, often, at the cost of family life.

They make this sacrifice with the promise of providing a better future for their children. They send them to school and trust it will better equip them for tomorrow.

However, this President has turned a blind eye towards the education of our children.

The President's priorities translate into budget cuts for programs like Head Start, who will be forced to shut their programs door on 34,000 children.

Despite Congressional intent to increase funding for the 6.9 million children receiving special education, the President wants to reduce that funding and slash K–12 education by 1.3 billion dollars.

Madam Speaker, the President's priorities must not be allowed to stand. All children, no matter what their station in life, deserve a quality education and this Congress will continue to fight to ensure we honor our obligations to them.

And while the President will enjoy many Christmas carols this season, he wants to eliminate funding for Universal Newborn Hearing programs.

Madam Speaker, I could go on and on. This short, but illuminating list, best highlights the differences between the priorities of our two parties.

Congress will continue to fight for these vital programs and to ensure that the least among us are well protected. As we adjourn for the holidays and celebrate the season with our families, let us get in the Christmas spirit and rededicate ourselves to the welfare of the most vulnerable.

''And the Grinch with his Grinch-feet ice cold in the snow, stood puzzling and puzzling, how could it be so? It came without ribbons. It came without tags. It came without packages, boxes or bags. And he puzzled and puzzled 'till his puzzler was sore. Then the Grinch thought of something he hadn't before. What if Christmas, he thought, doesn't come from a store? What if Christmas, perhaps, means a little bit more.''

Thank you, happy holidays.

PASSING OF JUDGE ERNEST A. LOVELESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. HOYER. Madam Speaker, I rise today to honor the life and work of a dear friend of mine, Judge Ernest Loveless, and to offer my condolences to his family on his passing.

In the State of Maryland, few judges commanded more respect than Judge Loveless. First appointed to the 7th Judicial Circuit in 1960, Judge Loveless rose to the position of Chief judge in 1976. Serving on the bench until his retirement in 1992, Judge Loveless left behind a legacy of fair rulings and a more effective and efficient court.

During his 32 years on the 7th Circuit, Judge Loveless became known for his management skills. As the populations of Prince George's County and southern Maryland grew in the 1970s, Judge Loveless recognized the need to update the court's systems to better enable it to handle the increased caseload. He succeeded in installing new computer systems, and he made other necessary changes to help the 7th Circuit keep pace with the changing times.

Known across our State as an expert on juvenile law, Judge Loveless presided over thousands of adoption cases, even adopting two children of his own. He had the foresight to hire a resident psychologist to assist with family law matters, a valuable asset to the court and the cases it handles.

On a personal note, I believe it was clear to all who knew him that serving others was a deeply held value for Judge Loveless. Before becoming a judge, he served our Nation proudly in the Navy during World War II, and he then went on to serve the people of Maryland in the House of Delegates from 1954 to 1960. He was active in several civic organizations in Clinton, MD, and he continued to contribute to the community throughout his life.

Madam Speaker, Judge Loveless was a good and honest man who lived an honorable life, and he will long be remembered in southern Maryland and Prince George's County for his devotion, his knowledge of the law, and his fairness. I join countless Marylanders whose lives were touched by Judge Loveless in sending my deepest sympathies to his family and friends.

INTRODUCTION OF PREPAID DERIVATIVES BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation addressing the taxation of prepaid derivative contracts. The appropriate tax treatment of financial products is ever evolving, just as the market for these products is. Occasionally, Congress or the Treasury must step in and clarify how these new offerings should be treated under the tax code. And my bill today will do that.

Recently, a new product called Exchange Traded Notes, has caught the attention of regulators and investors. The main benefit of these notes is their tax treatment. Issuers have advised buyers that these interests receive almost unlimited tax deferral on any gain earned. And, they advise that even when the gain is recognized at the point that the note is sold or redeemed, it is taxed as long-term capital gain and not ordinary income. These notes can run as long as 30 years and track an exchange rate, index, or commodity.

So, with almost unlimited tax deferral, it seems that many other investments would pale in comparison. Already, many investors have caught on. These exchange-traded notes have garnered $4 billion of investment in a very short period of time. Some argue that this tax treatment is justified, as holders of these notes have some credit risk. If the issuer goes under, the holder may not get paid.

But this favorable tax treatment has not gone without notice. In a Tax Notes magazine article aptly titled, "Too Good To Be True?" one practitioner called this tax treatment, "The Wild West of the tax law." And one columnist in the Washington Post likened this new tax sheltering opportunity as opening "Pandora's Tax Box." It is important to note that this favorable tax treatment is premised on the opinion of one law firm.

More recently, Treasury has stepped in to clarify that Exchange Traded Notes tied to foreign currencies are debt and do generate taxable income to investors. In a companion notice, Treasury asked for comments on whether holders of other prepaid forward contracts should be required to accrue income during the term of the contract. It is possible that Treasury will produce guidance providing appropriate clarity in this market, but in the interim, I believe legislative action is warranted.

The legislation that I am filing today provides rules for the tax treatment of prepaid derivative contracts, which includes Exchange Traded Notes. Holders of such instruments will be required to include as interest income each year an amount determined by reference to a short-term interest rate. The basis in such contract would be adjusted by any income inclusion so that at disposition, any gain or loss would be properly accounted for just as it would be with any other investment receiving annual payments.

In past Congresses, I have pursued legislation to curb vehicles providing unlimited tax deferral to investors, such as swap funds. I believe it is important that our tax laws reach instances where interest is earned or gain recognized, especially where the products are complex or lack transparency. The legislation that I am filing today takes another step in that direction. But I welcome constructive comments from practitioners on both sides of this issue. Above all, if we amend the tax code, we want to get it right the first time.

I look forward to discussing this complex issue with my colleagues in the New Year and seeking their support for this bill.

H.R. 2640

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CONYERS. Madam Speaker, this bill makes important changes to the national instant check system, designed to help States identify and prevent convicted felons and other dangerous individuals from owning firearms.

As it currently stands, millions of criminal records are not accessible by the instant check system, and millions of additional records fall through the cracks as a result of backlogs and other problems. The bill will help cure these problems by providing the resources and incentives needed to modernize the system and ensure that the records are up to date.

Improving and enhancing the instant check system will help prevent future tragedies such as the Virginia Tech shootings earlier this year, where there is clear reason to know, after due process, that the individual in question should not own a gun.

The House has passed this bill in each of the last two Congresses. Now the Senate has passed it, with changes dealing with the procedures for restoring gun ownership rights.

While I continue to have reservations about the new process for restoring gun ownership rights to individuals previously diagnosed with mental illness, and will be monitoring its implementation very closely, passage of the underlying bill is extremely important.

I want to again thank my good friends CAROLYN MCCARTHY and JOHN DINGELL, as well as RICK BOUCHER from the Judiciary Committee, and LAMAR SMITH, our Ranking Member, for all their work on this important matter.

I urge my colleagues to support this legislation.

RECOGNIZING THE DISTINGUISHED CAREER OF DR. RICHARD CHESTEEN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TANNER. Madam Speaker, I rise today to recognize the long, distinguished career of an esteemed educator, a dedicated public servant, a tireless community leader and my friend, Richard Chesteen, PhD.

Richard's academic career began almost 50 years ago. He earned his Associate's Degree from Holmes Junior College, his Bachelor's Degree from Delta State University, then his Master's Degree and Doctoral Degree in Political Science at the University of Mississippi. We have been fortunate to have him as a professor and faculty leader at the University of Tennessee at Martin, in the heart of northwest Tennessee, since 1969.

Dr. Chesteen's leadership has always stretched beyond the edge of the UTM campus. He has held active positions in scores of government and political organizations in Weakley and Obion counties and throughout Tennessee. Richard has served on the Obion County Commission, the Obion County Regional Planning Commission and the Obion County Democratic Party.

Statewide, Richard was a candidate for governor in the 1994 primary, where he earned a reputation for working on thoughtful solutions toward the problems facing our state at that time. Over the years, he has also served on the Tennessee Advisory Commission on Intergovernmental Relations, the Tennessee County Services Association and Tennessee Cares,

an organization to help single parents with the educational support they need to get back into the workforce. These are just a few of an extensive list of ways Richard has served our community and state.

Even as he looks toward retirement, Dr. Chesteen is not giving up on his dedication to education. He has helped found the Richard Chesteen Endowment for Government Internships at the University of Tennessee Martin to offer more first-hand opportunities for today's political science students, who will be the leaders of tomorrow, both in this great chamber and in other leadership positions throughout our country.

Madam Speaker, I hope you and our colleagues will join me in congratulating Richard Chesteen and his family on his retirement, thanking him for his tireless service and honoring his work with the new Endowment for Government Internships.

FEDERAL FOOD DONATION ACT OF 2007

SPEECH OF

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. SOUDER. Mr. Speaker, I want to express my support for H.R. 4220—The Federal Food Donation Act of 2007. During this holiday season, millions of Americans reach into their pockets and pantries to help those less fortunate in their communities. Many times these donations go to non-for-profits like the Community Harvest Food Bank in northeast Indiana or In-As-Much Ministries in Fort Wayne, Indiana. These organizations then hand-out the food to those in need. While the supply of donations is high this time of year, demand is even higher. This legislation will allow the Federal Government to help increase the supply of wholesome food to organizations by removing red tape and allowing excess food that would otherwise be wasted go to those who need it.

In northeast Indiana demand has increased this year and the community has stepped up its efforts. Millers Poultry in Orland, Indiana has donated thousands of eggs and over 10,000 lbs of chicken to the Community Harvest Food Bank. The local Farmers and Hunters Feeding the Hungry group in northeast Indiana has also donated 15,000 lbs of venison. With help from processors like New Haven's Custom Meats and Lengacher Meats in Grabill, this venison is easily distributed to hungry families in the community.

While 25,000 lbs of meat seems like a lot, local pantries in Fort Wayne are giving out 10,000 lbs of food per day. I would like to thank those who have helped fill local food banks and urge those who have not yet donated to contact their local food bank or charity and give all you can to help those going hungry this Christmas Season.

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 72, Continuing Appropriations.

Senate completed action on S. Con. Res. 61, Adjournment Resolution.

The House agreed to the Senate amendment to the House amendment to the Senate amendment to H.R. 2764, Consolidated Appropriations Act, 2008.

Senate

Chamber Action

Routine Proceedings, pages S15945–S16071

Measures Introduced: Fourteen bills and four resolutions were introduced, as follows: S. 11, S. 2519–2531, S. Res. 417–418, and S. Con. Res. 63–64. **Pages S16005–06**

Measures Reported:

S. 772, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, with amendments. (S. Rept. No. 110–252)

S. 595, to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency. (S. Rept. No. 110–253)

S. 1523, to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant. (S. Rept. No. 110–254) **Page S16003**

Measures Passed:

Integrated Deepwater Program Reform Act: Senate passed S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S15945–50**

Reid (for Cantwell) Amendment No. 3884, of a perfecting nature. **Page S15947**

Military Reservist and Veteran Small Business Reauthorization and Opportunity Act: Committee on Small Business and Entrepreneurship was discharged from further consideration of H.R. 4253, to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof, the text of S. 1784, Senate companion measure, as amended, after agreeing to the following amendments proposed thereto: **Pages S15950–52**

Reid (for Kerry) Amendment No. 3885, in the nature of a substitute. **Page S15952**

Reid (for Coburn) Amendment No. 3886, of a perfecting nature. **Page S15952**

Subsequently, S. 1784 was placed on the Senate calendar. **Page S15952**

NICS Improvement Amendments Act: Committee on the Judiciary was discharged from further consideration of H.R. 2640, to improve the National Instant Criminal Background Check System, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S15969–70, S15970–71

Schumer (for Leahy/Schumer) Amendment No. 3887, in the nature of a substitute. **Page S15971**

Block Burmese JADE (Junta's Anti-Democratic Efforts) Act: Committee on Foreign Relations was discharged from further consideration of H.R. 3890, to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and the bill was then passed, after agreeing to the following amendments proposed thereto:

Page S15971

Schumer (for Biden/McConnell) Amendment No. 3888, in the nature of a substitute. **Page S15971**

Schumer (for Biden/McConnell) Amendment No. 3889, to amend the title. **Page S15971**

Continuing Appropriations: Senate agreed to H.J. Res. 72, making further continuing appropriations for the fiscal year 2008, clearing the measure for the President. **Pages S15980–81**

Pension Protection Act Technical Correction: Senate passed S. 1974, to make technical corrections related to the Pension Protection Act of 2006, after agreeing to the following amendment proposed thereto: **Pages S16048–55**

Reid (for Kennedy) Amendment No. 3891, in the nature of a substitute. **Page S16047**

A unanimous-consent agreement was reached providing that the bill remain at the desk until such time as the Senate receives a companion measure from the House; that the Senate then proceed to its consideration, all after the enacting clause be stricken and the text of S. 1974, as amended, be inserted in lieu thereof, the bill advance to third reading, passed and the motion to reconsider be laid upon the table, without further intervening action or debate, and that S. 1974 be returned to the calendar. **Page S16049**

Captain Jonathan D. Grassbaugh Post Office: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of S. 2478, to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the ''Captain Jonathan D. Grassbaugh Post Office'', and the bill was then passed. **Pages S15958–59, S16055**

John Sidney 'Sid' Flowers Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3470, to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the ''John Sidney 'Sid' Flowers Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S16055**

Beatrice E. Watson Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3569, to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the ''Beatrice E. Watson Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S16055**

Marine Corps Corporal Steven P. Gill Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 3974, 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'', and the bill was then passed, clearing the measure for the President. **Page S16055**

Turrill Post Office Building: Committee on Homeland Security and Governmental Affairs was discharged from further consideration of H.R. 4009, to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the ''Turrill Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S16055**

George Howard, Jr. Federal Building and United States Courthouse: Committee on Environment and Public Works was discharged from further consideration of H.R. 2011, to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the ''George Howard, Jr. Federal Building and United States Courthouse'', and the bill was then passed, clearing the measure for the President. **Page S16055**

Neal Smith Federal Building: Committee on Environment and Public Works was discharged from further consideration of H.R. 1045, to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the ''Neal Smith Federal Building'', and the bill was then passed, clearing the measure for the President. **Page S16055**

Office of Compliance Employees: Senate passed H.R. 3571, to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term, clearing the measure for the President. **Page S16055**

Commission on the Abolition of the Transatlantic Slave Trade Act: Committee on the Judiciary was discharged from further consideration of H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S16055–56**

Reid (for Lautenberg) Amendment No. 3892, to strike the authorization of appropriations. **Page S16055**

United States Air Force Space Command 25th Anniversary: Committee on Armed Services was discharged from further consideration of S. Res. 389, commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at

Peterson Air Force Base, Colorado, and the resolution was then agreed to. **Page S16056**

Technical Corrections: Senate passed H.R. 4839, to amend the Internal Revenue Code of 1986 to make technical corrections, clearing the measure for the President. **Pages S16056–60**

House Messages:

Adjournment Resolution: Senate concurred in the amendment of the House to S. Con. Res. 61, providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives. **Page S15980**

Defenders of Freedom Tax Relief Act: Senate concurred in the amendment of the House to the amendment of the Senate to H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, with the following amendment:

Reid (for Baucus) Amendment No. 3997, of a perfecting nature. **Page S16048**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the Minority Leader, and after consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, pursuant to Public Law 106–398, as amended by Public Law 108–7, appointed the following individual as a member of the United States-China Economic Security Review Commission: Daniel A. Blumenthal of the District of Columbia, for a term expiring December 31, 2009. **Page S16069**

Department of State, Foreign Operations and Related Programs Appropriations Act (Omnibus)—Agreement: A unanimous-consent agreement was reached providing that Senate request the House of Representatives to return the papers relative to H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008. **Page S15945**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, all committees be authorized to file legislative and executive reports on Tuesday, January 8, 2008, from 10 a.m. until 12 noon. **Page S16060**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, the President of the Senate, the President Pro Tempore, and the Majority and Minority Leader be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S16060**

Indian Health Care Improvement Act Amendments—Agreement: A unanimous-consent agreement was reached providing that at approximately 11 a.m. Tuesday, January 22, 2008, Senate begin consideration of S. 1200, to amend the Indian Health Care Improvement Act to revise and extend the Act. **Page S16060**

National Forests, Parks, Public Land, and Reclamation Projects Authorization Act—Agreement: A unanimous-consent agreement was reached providing that at a time determined by the Majority Leader, after consultation with the Republican Leader, Senate begin consideration of S. 2483, to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy; that the only amendments in order be five related amendments to be offered by Senator Coburn; provided further, that following disposition of all amendments, Senate vote on passage of the bill. **Page S16060**

Nominations—Agreement: A unanimous-consent agreement was reached providing that the provisions of Rule XXXI notwithstanding, all nominations remain in status quo, with except the following:

Committee on the Judiciary: Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

Committee on Armed Services: Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy.

The following named Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203: Col. Larry L. Arnett, Col. Otis P. Morris, and Col. Gilberto S. Pena, to be Brigadier General:

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624: Col. Marc L. Warren, to be Brigadier General: and

The following named officer for appointment in the United States Air Force to the grade indicated in accordance with Article II, Section 2, Clause 2, of the Constitution: Col. Mark W. Tillman, to be Brigadier General. **Page S16061**

Executive Reports of Committees: Senate received the following executive report of a committee:

Report to accompany United Nations Convention on the Law of the Sea (Treaty Doc. 103–39) (Ex. Rept. 110–9). **Pages S16003–05**

Nominations Confirmed: Senate confirmed the following nominations:

Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2010. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

Howard Radzely, of Maryland, to be Deputy Secretary of Labor. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Steven H. Murdock, of Texas, to be Director of the Census. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy. (Prior to this action, Committee on Banking, Housing, and Urban Development, and Committee on the Judiciary was discharged from further consideration.)

Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security. (Prior to this action, Committee on Homeland Security and Governmental Affairs was discharged from further consideration.)

Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice. (Prior to this action, Committee on Banking, Housing, and Urban Development, and Committee on the Judiciary was discharged from further consideration.)

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2012. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Christopher A. Padilla, of the District of Columbia, to be Under Secretary of Commerce for International Trade. (Prior to this action, Committee on Banking, Housing, and Urban Development, and Committee on the Judiciary was discharged from further consideration.)

Gregory F. Jacob, of New Jersey, to be Solicitor for the Department of Labor. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

Keith Hall, of Virginia, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services.

Douglas W. Webster, of Virginia, to be Chief Financial Officer, Department of Labor. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2014. (Prior to this action, Committee on Banking, Housing, and Urban Development, and Committee on the Judiciary was discharged from further consideration.)

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

Mary Ann Glendon, of Massachusetts, to be Ambassador to the Holy See. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

Tracy Ralph Justesen, of Utah, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education. (Prior to this action, Committee on Health, Education, Labor, and Pensions was discharged from further consideration.)

Nathan J. Hochman, of California, to be an Assistant Attorney General. (Prior to this action, Committee on Banking, Housing, and Urban Development, and Committee on the Judiciary was discharged from further consideration.)

Joseph P. Russoniello, of California, to be United States Attorney for the Northern District of California for the term of four years. (Prior to this action, Committee on Banking, Housing, and Urban

Development, and Committee on the Judiciary was discharged from further consideration.)

Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

Charles W. Larson, Jr., of Iowa, to be Ambassador to the Republic of Latvia. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.)

Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

7 Air Force nominations in the rank of general.

41 Army nominations in the rank of general.

8 Coast Guard nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, National Oceanic and Atmospheric Administration, Navy. (Prior to this action, Committee on Foreign Relations was discharged from further consideration of routine lists in the Foreign Service) **Pages S16070–71**

Nominations Received: Senate received the following nominations:

Deanna Tanner Okun, of Idaho, to be a Deputy United States Trade Representative, with the rank of Ambassador.

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Anne Woods Patterson, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

C. David Welch, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period.

Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

Jamsheed K. Choksy, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Dawn Ho Delbanco, of New York, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Gary D. Glenn, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

David Hertz, of Indiana, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

Marvin Bailey Scott, of Indiana, to be a Member of the National Council on the Humanities for the remainder of the term expiring January 26, 2010.

Carol M. Swain, of Tennessee, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

A routine list in the Army. **Page S16069**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Robert D. Jamison, of Virginia, to be Under Secretary for National Protection and Programs, Department of Homeland Security, which was sent to the Senate on September 4, 2007. **Page S16071**

Messages from the House: **Page S15999**

Measures Referred: **Page S16000**

Measures Placed on the Calendar: **Page S16000**

Measures Read the First Time: **Page S16000**

Enrolled Bills Presented: **Page S16000**

Executive Communications: **Pages S16000–03**

Petitions and Memorials: **Page S16003**

Executive Reports of Committees: **Pages S16003–05**

Additional Cosponsors: **Pages S16006–07**

Statements on Introduced Bills/Resolutions: **Pages S16007–18**

Additional Statements: **Pages S15997–99**

Amendments Submitted: **Pages S16018–47**

Notices of Hearings/Meetings: **Page S16047**

Authorities for Committees to Meet: **Pages S16047–48**

Privileges of the Floor: **Page S16048**

Recess: Senate convened at 11:30 a.m. and recessed, at 9:22 p.m., until 9:30 a.m. on Friday, December 21, 2007 for a pro forma session, and then recess automatically until 11 a.m. on Sunday, December 23, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S16069.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded an oversight hearing to examine the Federal Motor Carrier Safety Administration, focusing on truck driver hours-of-service (HOS) rules and truck safety, after receiving testimony from John H. Hill, Administrator, Federal Motor Carrier Safety Administration, Department of Transportation; Dave Osiecki, American Trucking Associations, Arlington, Virginia; Walter J. Krupski, Jr., W. Krup Trucking, Inc., Stewartsville, New Jersey, on behalf of the Owner-Operator Independent Drivers Association; Joan Claybrook, Public Citizen and Advocates for Highway and Auto Safety, and LaMont Byrd, International Brotherhood of Teamsters, both of Washington, D.C.; and Daphne Izer, Parents Against Tired Truckers (P.A.T.T), Lisbon, Maine.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Charles W. Larson, Jr., of Iowa, to be Ambassador to the Republic of Latvia, who was introduced by Senators Harkin and Grassley, and Mary Ann Glendon, of Massachusetts, to be Ambassador to the Holy See, after the nominees testified and answered questions in their own behalf.

KOSOVO

Committee on Foreign Relations: Committee met in closed session to receive a briefing on Kosovo, focusing on future challenges, from Daniel Fried, Assistant Secretary of State for the Bureau of European and Eurasian Affairs.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice, who was introduced by Representative Kirk, after the nominee testified and answered questions in his own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 94 public bills, H.R. 4837–4930; and 25 resolutions, H.J. Res. 74–74; H. Con. Res. 273–278; and H. Res. 895–911 were introduced. **Pages H16945–49**

Additional Cosponsors: **Pages H16949–51**

Reports Filed: Reports were filed today as follows:

H. Res. 893, providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008 (H. Rept. 110–498);

H. Res. 894, providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions (H. Rept. 110–499);

H.R. 4137, to amend and extend the Higher Education Act of 1965, with an amendment (H. Rept. 110–500, Pt. 1);

H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, with an amendment (H. Rept. 110–501);

H.R. 1528, to amend the National Trails System Act to designate the New England National Scenic Trail, with an amendment (H. Rept. 110–502);

H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California (H. Rept. 110–503, Pt. 1);

H.R. 135, to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs (H. Rept. 110–504, Pt. 1);

H.R. 3058, to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and

Community Self-Determination Act of 2000, with an amendment (H. Rept. 110–505, Pt. 1); and H.R. 3111, to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System (H. Rept. 110–506, Pt. 1). **Page H16945**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Medicare, Medicaid, and SCHIP Extension Act of 2007: S. 2499, to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, by a ⅔ yea-and-nay vote of 411 yeas to 3 nays, Roll No. 1184—clearing the measure for the President; **Pages H16842–45, H16900**

Authorizing a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia: S. 1396, to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia—clearing the measure for the President; **Pages H16855–57**

Officer Jeremy Todd Charron Post Office Designation Act: S. 1896, to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office"—clearing the measure for the President; **Pages H16857–58**

Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007: S. 863, to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds—clearing the measure for the President; **Pages H16864–66**

Correcting the enrollment of H.R. 660: S. Con. Res. 62, to correct the enrollment of H.R. 660; **Pages H16866–67**

Court Security Improvement Act of 2007: Agreed to the Senate amendment to H.R. 660, to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members—clearing the measure for the President; **Pages H16867–71**

Cameron Gulbransen Kids and Cars Safety Act of 2007: H.R. 1216, amended, to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles; **Pages H16871–74**

Consumer Product Safety Modernization Act: H.R. 4040, amended, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, by a ⅔ yea-and-nay vote of 407 yeas with none voting "nay", Roll No. 1185; and **Pages H16874–87, H16900–01**

Tax Increase Prevention Act of 2007: Agreed to the Senate amendment to H.R. 3996, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, by a 2/3 yea-and-nay vote of 352 yeas to 64 nays, Roll No. 1183—clearing the measure for the President. **Pages H16858, H16889–99**

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: The House agreed to H. Res. 876, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, by voice vote, after agreeing to order the previous question. **Pages H16858–60**

Privileged Senate Message: The House received a privileged message from the Senate requesting that the House return to the Senate the papers accompanying H.R. 2764, Consolidated Appropriations Act, 2008. **Page H16863**

Making further continuing appropriations for the fiscal year 2008: The House agreed to H.J. Res. 72, making further continuing appropriations for the fiscal year 2008, by voice vote. **Page H16887**

H. Res. 893, the rule providing for consideration of the resolution, was agreed to by voice vote after agreeing to order the previous question. Pursuant to the provisions of H. Res. 893, H. Res. 849 is laid on the table. **Pages H16860, H16887–88**

Adjournment Resolution: The House agreed to S. Con. Res. 61, providing for the sine die adjournment of the One Hundred Tenth Congress, First Session, with an amendment. **Page H16901**

Late Report: Agreed that the Committee on Financial Services have until noon on January 3, 2008 to file a report on H.R. 3524, HOPE VI Improvement and Reauthorization Act of 2007. **Page H16901**

Consolidated Appropriations Act, 2008: The House agreed to the Senate amendment to the House amendment to the Senate amendment to H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, by a yea-and-nay vote of 272 yeas to 142 nays, Roll No. 1186. **Pages H16860–64, H16887–89, H16901–13**

H. Res. 893, the rule providing for consideration of the amendment, was agreed to voice vote after agreeing to order the previous question. Pursuant to the provisions of H. Res. 893, H. Res. 849 is laid on the table. **Pages H16860, H16887–89**

United States-China Economic and Security Review Commission—Appointment: The Chair announced the Speaker's reappointment of the following members on the part of the House of Representatives to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009: Ms. Carolyn Bartholomew of the District of Columbia and Mr. Jeffrey L. Fiedler of Virginia. **Page H16945**

Amending the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue: The House agreed by unanimous consent to S. 2436, to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue—clearing the measure for the President. **Page H16917**

Amending the Internal Revenue Code of 1986 to make technical corrections: The House agreed to discharge from committee and pass H.R. 4839, to amend the Internal Revenue Code of 1986 to make technical corrections. **Pages H16917–22**

Chimp Haven is Home Act: The House agreed to discharge from committee and pass S. 1916, to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes—clearing the measure for the President. **Pages H16922–23**

NICS Improvement Amendments Act of 2007: The House agreed by unanimous consent to agree to the Senate amendment to H.R. 2640, to improve the National Instant Criminal Background Check System—clearing the measure for the President. **Pages H16923–26**

Senate Messages: Messages received from the Senate today and a message received from the Senate by the Clerk and subsequently presented to the House today appear on pages H16837, H16863, H16864, H16917, H16933.

Senate Referrals: S. Con. Res. 53 was referred to the Committee on Foreign Affairs; S. 2135 was referred to the Committee on the Judiciary; and S. Con. Res. 61, S. Con. Res. 62, S. 2260, S. 2436, and S. 924 were held at the desk. **Page H16940**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H16899, H16900, H16900–01, H16913. There were no quorum calls.

Adjournment: The House met at 10 a.m. and, in accordance with the provisions of S. Con. Res. 61, the House adjourned sine die at 7:36 p.m. until Thursday, January 3, 2008 for the convening of the Second Session of the 110th Congress.

Committee Meetings

EXTENSION OF U.N. MANDATE FOR IRAQ

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on the Extension of the United Nations Mandate for Iraq: Is the Iraqi Parliament Being Ignored? Testimony was heard from the following officials of the Library of Congress: Kenneth Katzman, Specialist in Middle East Affairs; Foreign Affairs, Defense and Trade Division, CRS; and Issam Michael Saliba, Senior Foreign Law Specialist, Middle East and North Africa, Law Library of Congress; and public witnesses.

FEDERAL CRIMINAL LAW ENFORCEMENT TO PROTECT AMERICANS WORKING FOR U.S. CONTRACTORS IN IRAQ

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Enforcement of Federal Criminal Law to Protect Americans Working for U.S. Contractors in Iraq. Testimony was heard from Representative Poe; Jamie Leigh Jones, former employee of Halliburton Company; and public witnesses.

SAME DAY CONSIDERATION OF RESOLUTIONS REPORTED BY RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule providing for the consideration of two measures. The first measure is a motion by the chairman of the Committee on Appropriations to concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008. The rule waives all points of order against consideration of the motion except for clause 10 of rule XXI; provides that the Senate amendment and the motion shall be considered as read; and provides one hour of debate on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The second measure is H.J. Res. 72, providing further continuing appropriations for Fiscal Year 2008. The closed rule waives all points of order against the joint resolution and against its consideration except for clauses 9 and 10 of rule XXI; provides that the joint resolution shall be considered as read; provides one hour of general debate in the

House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and allows for one motion to recommit with or without instructions.

The rule also provides that the Chair may postpone further consideration of either measure to a time designated by the Speaker. Finally, the rule tables House Resolution 849.

SAME DAY CONSIDERATION OF RESOLUTIONS REPORTED BY RULES COMMITTEE—TEMPORARY TAX RELIEF ACT OF 2007

Committee on Rules: The Committee granted, by voice vote, a rule providing for consideration of the Senate amendment to the bill, H.R. 3996, the ''Temporary Tax Relief Act of 2007.'' The rule provides that it is in order for the chairman of the Committee on Ways and Means to make a motion that the House concur in the Senate amendment to H.R. 3996.

The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. It further provides that the motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to a time designated by the Speaker.

BRIEFINGS—HOTS SPOTS AND NATIONAL INTELLIGENCE ESTIMATE; COMMITTEE BUSINESS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots—Venezuela, Australia and Pakistan. The Committee was briefed by departmental witnesses.

The Committee also met in executive session to receive a briefing on National Intelligence Estimate. The Committee was briefed by Mike McConnell, Director, Office of the Director of National Intelligence.

The Committee also met in executive session to consider pending Committee business.

AFTER BALI-U.N. CONFERENCE AND THE IMPACT ON INTERNATIONAL CLIMATE CHANGE POLICY

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''After Bali—UN Conference and the Impact on International Climate Change Policy.'' Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 20, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on the Judiciary, hearing on Applicability of Federal Criminal Laws to the Interrogation of Detainees, 10 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, hearing entitled ''Pakistani Elections: Will They Be Free and Fair or Fundamentally Flawed?'' 10 a.m., 2154 Rayburn.

Next Meeting of the SENATE
9:30 a.m., Friday, December 21

Senate Chamber

Program for Friday: Senate will meet in pro forma session.

Next Meeting of the HOUSE OF REPRESENTATIVES
Noon, Thursday, January 3, 2008

House Chamber

Program for Thursday, January 3: The House will convene the Second Session of the 110th Congress.

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